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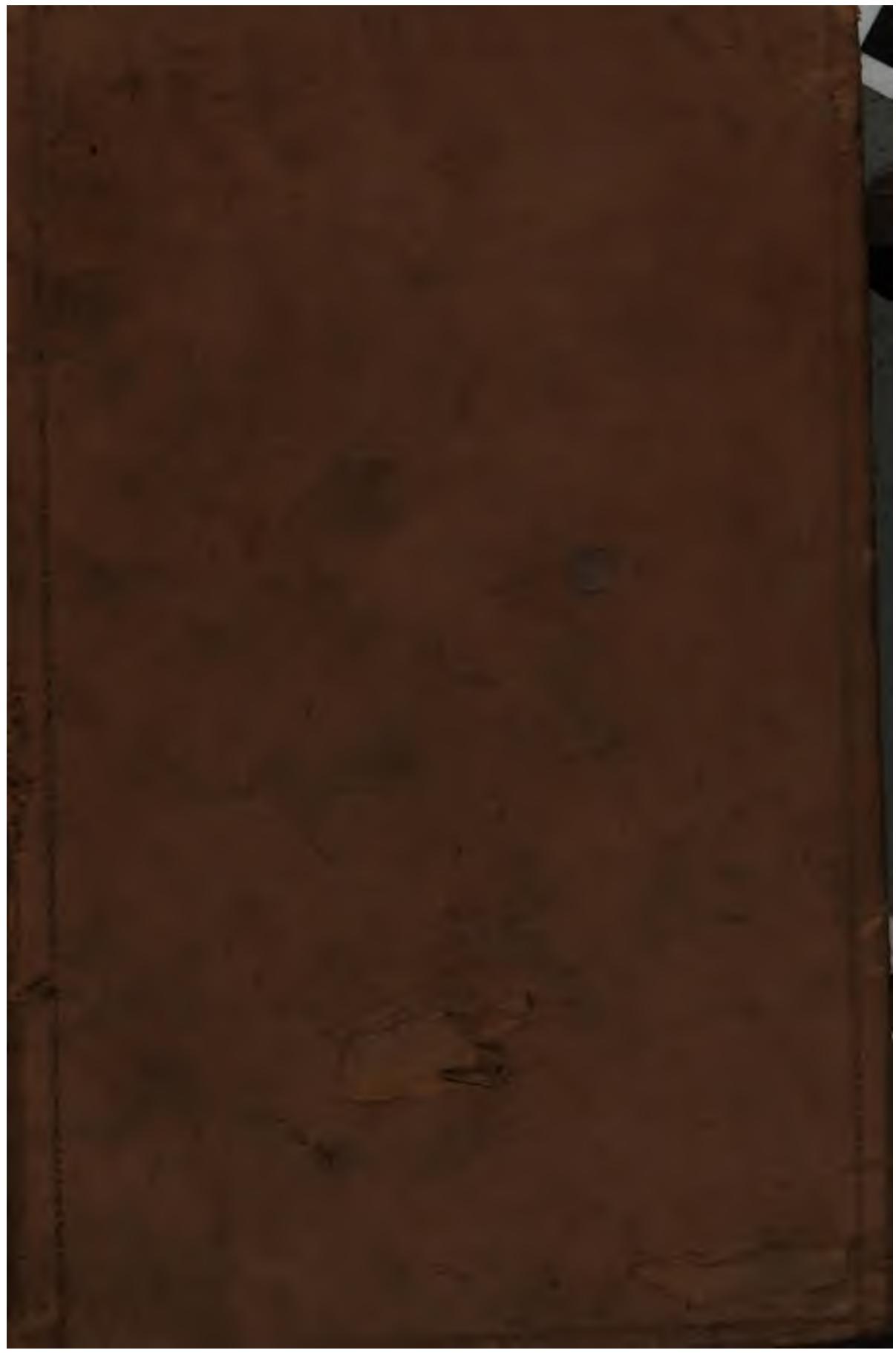
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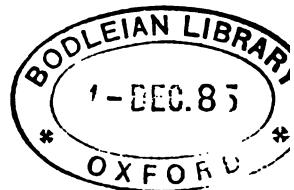
OF THE

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FOR THE

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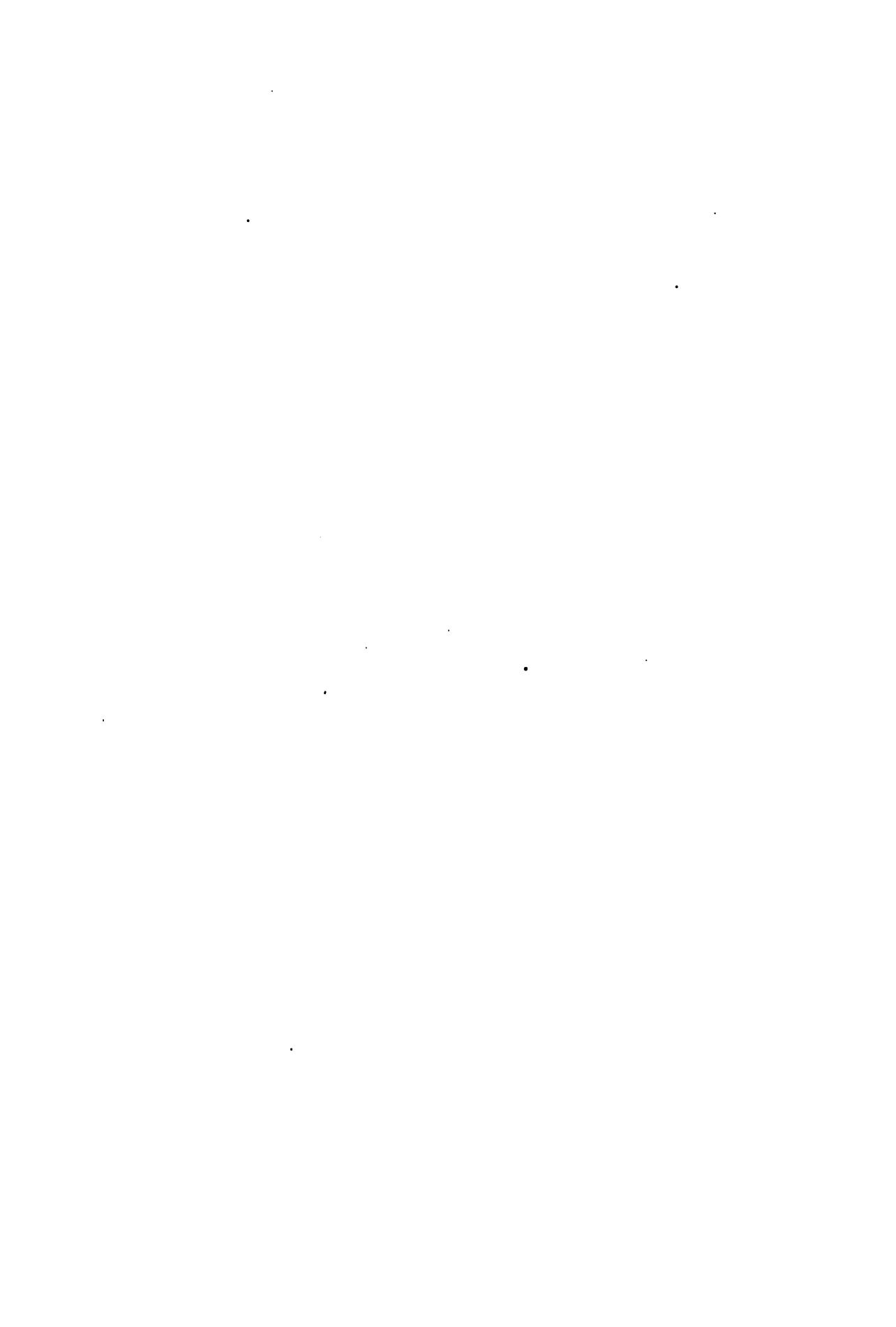
1881-'82.



IN 27 VOLUMES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE
1882.

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L.C.



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SESSINGHAUS vs. FROST.

TESTIMONY AND PAPERS

IN THE CONTESTED-ELECTION CASE OF

GUSTAVUS SESSINGHAUS VS. R. GRAHAM FROST.

FROM THE THIRD CONGRESSIONAL DISTRICT OF MISSOURI.

JANUARY 17, 1882.—Ordered to be printed.

No. 1.

Notice of contest.

SAINT LOUIS, Mo., Dec. 18, 1880.

Hon. R. GRAHAM FROST:

SIR: You will please take notice that I intend to contest your claim to a seat in the House of Representatives of the Forty-seventh Congress of the United States, as Representative for the third Congressional district of Missouri, under a certificate of election issued to you on the 26th day of November, A. D. 1880, which election was held in said third Congressional district on the 2d day of November, A. D. 1880, at which said election, you, Daniel O'Connell, and I were candidates, and at which election I received more legal ballots voted for said office of Representative in Congress for said Congressional district than you or said Daniel O'Connell. And you are hereby further notified that I intend to rely upon the following grounds of contest:

First. That I was at the time of said election and am now in all respects possessed of the qualifications required by law for a member of the House of Representatives in the Congress of the United States, viz: I had attained the age of twenty-five years and had then been more than seven years a citizen of the United States, and was an inhabitant of the State of Missouri at the time of said election, and have resided in said third Congressional district for more than ten years last past.

Second. That a large number of men, legal voters, to wit, two hundred and more, residing in said third Congressional district, and legally entitled to be registered, properly presented themselves for registration within the proper time and at the proper place, viz, the office of the recorder of voters for the city of St. Louis, who were illegally and unlawfully refused registration, or whose names were intentionally or negligently left off the registration lists at said office, and thereafter said voters presented themselves *at the polls on the day of said election and*

offered to vote but their votes were refused and not counted by the judges of election, because their names did not appear on the poll-books. All of said voters were Republicans and offered to vote for me, and would have voted for me.

Third. That the names of a large number of legal voters, viz, one thousand and more, residing in said third Congressional district, who had been properly registered were, between the dates of their registration and said election, improperly, illegally, intentionally, and fraudulently stricken from the registration lists, and therefore were not to be found upon the poll-books used by the judges of election at said election, and when the voters whose names were thus stricken off presented themselves at the polls on said election day, their votes were refused and not counted by the judges of election. All of said voters, most of whom are colored men, offered to vote and would have voted for me.

Fourth. That a large number of names, viz, about five hundred, of men who were not legal voters in said district, were prior to said election wrongfully, improperly, and fraudulently placed upon the said registration lists of said third Congressional district, all of which names were voted upon at said election by parties who had thus illegally registered, and all of whom voted for you and their ballots were counted for you by the judges of election.

Fifth. That a large number of names of men, viz, about three hundred were illegally placed upon the said registration lists of the said district in precincts where they did not reside and where they were not legal voters, but said names were voted upon at said election and their votes were counted by the judges of election, and all of said men thus improperly registered and allowed to vote voted for you.

Sixth. That in the various precincts of said district on the said day of election, more than three hundred men not legally entitled to register were improperly and illegally registered by the registrars of election and permitted to vote, and their votes were counted by the judges of election; and all of said men thus illegally registered and allowed to vote, voted for you.

Seventh. That in the various precincts of said district on said day of election, more than three hundred men legally entitled to register and vote, residing in the precincts in which they offered to register and vote, were by the registrars appointed to register legal voters in the various precincts, illegally denied the right to register and were not allowed to register and vote; all of whom offered to register and vote for me, and would have voted for me.

Eighth. That at said election more than one hundred persons who were minors and not entitled to vote, voted for you in said district, and their votes were counted for you by the judges of election.

Ninth. That more than one hundred persons who were entitled to vote in said district at said election voted for you more than once on said day and cast more than one ballot for you on said day; all of which fraudulent and double ballots were counted for you by the judges of election.

Tenth. That in said district, at the various precincts on said day of election, more than five hundred legal ballots offered by voters properly registered and legally entitled to vote, were by the judges of election refused, rejected, torn up, and not counted; all of which ballots were cast for me and should have been counted for me.

Eleventh. That in said district, in the various precincts thereof, at said election, more than two hundred illegal ballots offered and voted

by legal voters, were received and counted for you by the judges of election.

Twelfth. That in each of the wards of the city of St. Louis embraced in said district, the revisers appointed by law to revise the registration lists for the use of judges of election on said day of election, and whose only duty it was to ascertain and strike off of said lists the names of those who were not legal voters in the various precincts of said wards, improperly, wrongfully, illegally, and in many instances fraudulently and corruptly struck off a large number, viz, one thousand names of legal voters, who had been properly registered, and who were entitled to vote at said election; that all of said voters were Republicans and on the day of the said election appeared at the polls of the precincts in which they lived and offered to vote for me, but their votes were refused, rejected, torn up, and not counted by the judges of election.

Thirteenth. That in each of the wards of the city of St. Louis embraced in said district, the revisers appointed by law to revise the registration lists for use of the judges of election on said day of election, and whose duty it was to ascertain and strike off of said lists the names of all those who were not legal voters in the various precincts of said wards, failed to perform their duty properly, but on the contrary illegally and wrongfully, and in many instances knowingly, fraudulently, and corruptly permitted to remain on said registration lists the names of many, viz, five hundred men, who were not legal voters in the precincts in which their names appeared on said lists, and that on the said day of election said names were voted upon by parties not legally entitled to vote, all of whom voted for you, and their ballots were received and counted for you by the various judges of election.

Fourteenth. That at precinct No. 49 in said district, on the evening of said election, after the polls had closed, the ballots cast at that precinct were handled and counted by unauthorized persons, who were not voters in said precinct and the count so made was returned as the official count of votes cast at said precinct, when in fact and truth, the regularly appointed judges and clerks of election for said precinct failed to act, but wrongfully and illegally abandoned the count of said ballots, and that by reason thereof the ballots were tampered with and fifty votes which had been cast for you were counted for me. *

Fifteenth. That at precincts No. 37, 38, 39, and 40, in said Congressional district, your partisans then congregated on said election day, in large numbers, by threats of violence to every Republican who approached said polls and by repeated and continued acts of violence on Republican workers at said polls and on voters during the whole of said day so excluded legal voters from said polls and prevented their voting and so intimidated legal voters from approaching said polls for fear of being beaten, bruised, and maltreated, that more than two hundred Republican voters lawfully entitled to vote at said precincts were prevented from voting and did not vote at all, all of whom had they been permitted to vote would have voted for me. That by reason of said violence and intimidation, no fair or free election was held at said precincts.

Sixteenth. That at precincts Nos. 37, 38, 39, 40, 48, 49, 123, 208, and other precincts in said district, the judges of election on said day of election, all of whom were your partisans, fraudulently and illegally conspired with and assisted your other partisans assembled around said polls to intimidate Republican voters, and said judges of election at said polls refused peremptorily to receive or count the votes of one hundred

or more legal voters, simply because they were colored men and Republicans, all of whose names were on the poll-books and all of whom were legal voters in the said precincts where they presented themselves to vote and all of whom offered to vote and would have voted for me.

Seventeenth. That at precinct No. —, being at or near the village of Bridgeton in the county of St. Louis and in said Congressional district there were voted for you twenty-five votes by voters who were Republicans and who would have voted for me, but they were bribed to vote for you by your partisans and agents, and that their votes were illegally and improperly counted for you by the judges of election.

Eighteenth. That in many of the precincts in said Congressional district the count made and returned by the judges of election was erroneous and irregular in this, that many votes, viz, two hundred or more, which had been cast for me were carelessly, negligently, or fraudulently counted for you. Had all the legal voters in said district who presented themselves for registration, and at the polls on the day of election for the purpose of voting been registered and permitted to vote, and their votes been counted, and had no illegal votes been received and counted for you, and had no legal voters been deterred by threats and intimidation from coming to the polls on said day of election, there would have been cast and counted for me more than two thousand more votes than for you, or the said O'Connell.

Nineteenth. That I shall demand an inspection and recount of the ballots cast at said precincts at said election, because,

First. A recount will show such gross errors and frauds on the part of the judges of election, as, when corrected, will give more votes for me than for you.

Second. Because the ballots will show that many persons voted for you who were illegal voters, which fact cannot be proved in any other way.

Third. Said ballots have, since said day of election, been securely kept by the proper and legal custodian, and in such a way as to insure their not having been tampered with.

Fourth. Because the ballots are the best evidence to show how an illegal voter voted, and in some cases they are the only obtainable evidence of such facts.

Fifth. Because many ballots were received by the judges of election cast by parties duly entitled to vote on said election day, and who voted for me, and which the said judges refused to count, and which were marked by them and placed in said boxes uncounted.

Sixth. Because the ballots in said boxes will disclose the fact that many legal ballots bearing my name, which in some insignificant regard was spelled wrong, were not counted for me, but were marked rejected by the judges of election, and placed uncounted in said boxes, which facts can be proved only by an inspection of said ballots.

GUSTAVUS SESSINGHAUS.

Served a copy of the within notice of contest, by delivering the same personally to the within R. Graham Frost, on this the 23d day of December, A. D. 1880, in the city of St. Louis.

JOHN J. KIRBY,
D. Sheriff.

(Indorsed:) Sessinghaus v. Frost. Notice of contest. Original.
No. 1. L. S. Metcalfe, jr., H. M. Pollard, attorneys.

No. 2.

Answer to notice of contest.

GUSTAVUS SESSINGHAUS, CONTESTANT,
vs.
RICHARD GRAHAM FROST, CONTESTEE. }

In the third Congressional district of Missouri.

To Hon. GUSTAVUS SESSINGHAUS:

Now comes Richard Graham Frost, through his attorneys, Donovan and Couroy, by protestation, not acknowledging that this cause is properly before the House of Representatives, and makes answer as follows:

He denies that at an election held in said third Congressional district on the 2d day of November, A. D. eighteen hundred and eighty, at which said election you, Daniel O'Connell, and this contestee were candidates, you received more legal ballots voted for said office of Representative in Congress for said Congressional district than I or said Daniel O'Connell.

I deny that you were, at the time of said election, and are now, in all respects possessed of the qualifications required by law for a member of the House of Representatives in the Congress of the United States, viz, that you had been more than seven years a citizen of the United States, and had resided in said third Congressional district for more than ten years at the time of said election.

I deny that a large number of men, legal voters, to wit, two hundred or more, residing in said third Congressional district, and legally entitled to be registered, properly presented themselves for registration within the proper time, and at the proper place, viz, the office of the recorder of votes for the city of St. Louis, and were illegally and unlawfully refused registration, and that their names were intentionally and negligently left off the registration lists at said office, and when said voters presented themselves at the polls on the day of said election and offered to vote, that their votes were refused and not counted by the judges of election, because their names did not appear on the poll-books, and that all of said voters were Republicans, and offered to vote for you, and would have voted for you.

I deny that the names of a large number of legal voters, viz, one thousand and more, residing in said third Congressional district, and who had been properly registered, were, between the dates of their registration and said election, improperly, illegally, intentionally, and fraudulently stricken from the registration lists, and therefore were not to be found upon the poll-books used by the judges of election at said election, and when the voters whose names were thus stricken off presented themselves at the polls on said election day that their votes were refused and not counted by the judges of election, and that all of said voters, most of whom were colored men, offered to vote, and would have voted for you.

I deny that a large number of names, viz, about five hundred, of men who were not legal voters in said district, were, prior to said election, wrongfully, improperly, and fraudulently placed on the said registration lists of said third Congressional district, all of which names were voted upon at said election by parties who had thus illegally registered,

and all of whom voted for me, and their ballots were counted for me by the judges of election, as alleged.

I deny that a large number of names of men, viz, about three hundred, were illegally placed upon the said registration lists of the said district in precincts where they did not reside, and where they were not legal voters, and that said names were voted upon at said election, and their votes were counted by the judges of election, and that all of said men were thus improperly registered and allowed to vote for me.

I deny that in the various precincts of said district, on the day of election, more than three hundred men not legally entitled to register were improperly and illegally registered by the registrars of election and permitted to vote, and that their votes were counted by the judges of election, and that all of said men were illegally registered and allowed to vote for me.

I deny that in the various precincts of said district, on said day of election, more than three hundred men legally entitled to register and vote, residing in the precincts in which they offered to register and vote, were, by the registrars appointed to register legal voters in the various precincts, illegally denied the right to register and vote, and that all of whom offered to register and vote for you, and would have voted for you.

I deny that at said election more than one hundred person who were minors and not entitled to vote, voted for me in said district, and that their votes were counted for me by the judges of election.

I deny that more than one hundred persons, who were entitled to vote in said district at said election, voted for me more than once on said day, and cast more than one ballot for me on said day, and that any of said ballots were counted for me by the judges of election.

I deny that at the various precincts in said district, on said day of election, more than five hundred legal ballots offered by voters properly registered and legally entitled to vote, were, by the judges of election, refused, rejected, torn up, and not counted, and that all of said ballots were cast for you and should have been counted for you.

I deny that in said district, in the various precincts thereof, at said election, more than two hundred illegal ballots, offered and voted by legal voters, were received and counted for me by the judges of election.

I deny that in each of the wards of the city of St. Louis embraced in said district, the revisors appointed by law to revise the registration lists for the use of judges of election on said day of election, and whose only duty it was to ascertain and strike off of said lists the names of those who were not voters in the various precincts of said wards, improperly, wrongfully, illegally, and in many instances fraudulently and corruptly, struck off a large number, viz, one thousand names of legal voters who had been properly registered, and who were entitled to vote at said election, and that all of said voters were Republicans, and on the day of the said election appeared at the polls of the precincts in which they lived and offered to vote for you, and that their votes were refused, rejected, torn up, and not counted by the judges of election.

I deny that in each of the wards of the city of St. Louis embraced in said district, the revisors appointed by law to revise the registration lists for use of the judges of election on said day of election, and whose duty it was to ascertain and strike off of said lists the names of all those who were not legal voters in the various precincts of said ward, failed to perform their duty properly, but, on the contrary, illegally and wrongfully, and, in many instances knowingly, fraudulently, and

corruptly permitted to remain on said registration lists the names of many, viz, five hundred, men who were not legal voters in the precincts in which their names appeared on said lists, and that on the said election day the said names were voted upon by parties not legally entitled to vote, and that all of whom voted for me, and their ballots were received and counted for me by the various judges of election.

I deny that at precinct number 49, in said district, on the evening of said election, after the polls had closed, the ballots cast at that precinct were handled and counted by unauthorized persons who were not voters in said precinct, and the count so made was returned as the official count of votes cast at said precinct, and that the regularly appointed judges and clerks of election for said precinct failed to act, but wrongfully and illegally abandoned the count of said ballots, and that by reason thereof the ballots were tampered with, and fifty votes which had been cast for you were counted for me.

I deny that at precincts number thirty-seven, thirty-eight, thirty-nine, and forty, in said Congressional district, my partisans congregated on said election day in large numbers, and by threats of violence to every Republican who approached said polls, and by repeated and continued acts of violence on Republican workers at said polls, and on voters during the whole of said day, so excluded legal voters from said polls and prevented their voting, and so intimidated legal voters from approaching said polls for fear of being beaten; bruised, and maltreated, that more than two hundred Republican voters, lawfully entitled to vote at said precincts, were prevented from voting, and did not vote at all. I deny that all of these alleged voters, if they had been permitted to vote, would have voted for you. I deny that there was any violence or intimidation, and that no fair and free election was held at said precincts.

I deny that at precincts numbered thirty-seven, thirty-eight, thirty-nine, forty, forty-eight, forty-nine, one hundred and twenty-three, two hundred and eight, and other precincts in said district, the judges of election, on said day of election, were my partisans, and did fraudulently and illegally conspire with and assist my other partisans assembled around said polls to intimidate Republican voters, or that said judges of election at said polls refused peremptorily to receive or count the votes of a hundred or more legal voters simply because they were colored men and Republicans. I deny that all these names were on the poll-books, or that all of them were legal voters in the said precincts where they presented themselves to vote, or that all of them offered to vote, or would have voted for you.

I deny that at precinct number —, being at or near the village of Bridgton, in the county of St. Louis, and in said Congressional district, there were voted for me twenty-five votes by voters who were Republicans, and who would have voted for you had they not been bribed to vote for me by my partisans and agents, and that their votes were illegally and improperly counted for me by the judges of election. I deny that I, or any agents, bribed any one at said election.

I deny that in many of the precincts in said Congressional district the count made and returned by the judges of election was erroneous and irregular in this, that many votes, viz, two hundred or more, which had been cast for you, as alleged, were carelessly, negligently, or fraudulently counted for me. I deny that had all the legal voters in said district who presented themselves for registration, and at the polls on the day of election for the purpose of voting, been registered and permitted to vote, and their votes been counted, and had no illegal votes

been received and counted for me, and had no legal voters been deterred by threats and intimidation from coming to the polls on said day of election there would have been cast and counted for you more than two thousand more votes than for me or the said O'Connell.

I deny that you are entitled to demand an inspection and recount of the ballots cast at said precincts at said election, because—

1st. I deny that a recount will show such gross errors and frauds on the part of the judges of election as, when corrected, will give more votes for you than for me.

2d. I deny that the ballots will show that many persons voted for me who were illegal voters; and I deny that said facts cannot be proved in any other way.

3rd. I have no knowledge or information sufficient to form a belief that said ballots have since day of election been securely kept by the proper and legal custodian, and in such a manner as to insure their not having been tampered with.

4th. I deny that many ballots were received by the judges of election, cast by parties duly entitled to vote on said election day, and who voted for you, and which the said judges refused to count, and which were marked by them and placed in said boxes uncounted.

5th. I deny that the ballots in said boxes will disclose the fact that many legal ballots having your name, which in some insignificant regard was spelled wrong, were not counted for you, but were marked rejected by the judges of election and placed uncounted in said boxes. I deny that said facts can be proved by an inspection of said ballots.

I deny each and every the material allegations in said notice contained.

And for further answer this contestee alleges :

First. That in many of the precincts in said third Congressional district the count made and returned by the judges of election was erroneous and irregular in this, that many votes, viz, one hundred and eighty or more, which had been cast for me, were carelessly, negligently, and fraudulently counted for you; and had all the legal voters in said district, who presented themselves for registration and at the polls on the day of election for the purpose of voting, been permitted to register and vote, and their votes had been counted, and had no illegal votes been received and counted for you, and had no legal voters been deterred by threats and intimidation from coming to the polls on said day of election, there would have been cast and counted for me more than two thousand five hundred more votes than for you or the said Daniel O'Connell.

Second. That at precinct number —, being at or near the village of Black Jack, in the county of Saint Louis, and in said third Congressional district, there were voted for you about thirty-five votes by voters who were Democrats, and who would have voted for me had they not been bribed to vote for you by your partisans and agents, and that their votes were illegally and improperly counted for you by the judges of election.

Third. That at precincts number 71, 73, 74, 83, 119, 142, 143, 144, 148, 149, 153, 166, 224, and others, in said third Congressional district, your partisans there congregated on said election day in large numbers, and by threats of violence to every Democrat voter who approached said polls, and by repeated and continued acts of violence on Democrat workers at said polls, and on voters during the whole of said day, so excluded legal voters from said polls and prevented their voting, and so intimidated legal voters from approaching said polls for fear of be-

ing beaten, bruised, and maltreated, that more than one hundred and fifty Democratic voters, lawfully entitled to vote at said precincts, were prevented from voting, and did not vote at all, all of whom, had they been permitted to vote, would have voted for me; that by reason of said violence and intimidation no fair or free election was held at said precincts.

Fourth. That at precincts numbered 71, 73, 74, 83, 119, 142, 143, 144, 148, 149, 153, 166, 244, and other precincts, in said third Congressional district, the judges of election on said day of election, all of whom were your partisans, did fraudulently and illegally conspire with and assist your other partisans assembled around said polls to intimidate Democratic voters, and said judges of election at said polls absolutely refused to receive or count the votes of a hundred or more legal voters simply because they were Democrats, all of whose names were on the poll-books, and all of whom were legal voters in the said precincts where they presented themselves to vote, and all of whom offered to vote and would have voted for me.

Fifth. That at precinct number 143, 144, and others, in said third Congressional district, on the evening of said election, after the polls had closed, the ballots cast at that precinct were handled and counted by unauthorized persons, who were not voters in said precinct, and the count so made was returned as the official count of votes cast at said precinct, when, in fact and truth, the regularly appointed judges and clerks of election for said precinct failed to act, but wrongfully and illegally abandoned the count of said ballots, and that by reason thereof the ballots were tampered with, and seventy-five votes which had been cast for me were counted for you.

Sixth. That in said third Congressional district, in the various precincts thereof, at said election more than five hundred illegal ballots, offered and voted by legal voters, were received and counted for you by the judges of election.

Seventh. That in said third Congressional district, at the various precincts thereof, on said day of election more than four hundred and fifty legal ballots were offered by voters properly registered and legally entitled to vote, but were by the judges of election at said precincts refused, rejected, torn up, and not counted, all of which ballots were cast for me and should have been counted for me.

Eighth. That more than two hundred persons who were entitled to vote in said third Congressional district at said election voted for you more than once on said day of election, all of which fraudulent and double ballots were counted for you by the judges of election.

Ninth. That at said election more than two hundred and fifty persons who were minors and not entitled to vote voted for you in said third Congressional district, and their votes were counted for you by the judges of election.

Tenth. That in the various precincts of said district, on said day of election, more than two hundred men, legally entitled to register and vote, residing in the precincts in which they offered to register and vote, were by the registrars appointed to register legal voters in the various precincts, illegally denied the right to register, and were not allowed to register and vote, all of whom, had they been permitted to register and vote, would have voted for me.

Eleventh. That in the various precincts of said third Congressional district, on said day of election, more than two hundred and fifty men, not legally entitled to register, were improperly and illegally registered by the registrars of election, and permitted to vote, and their votes were

counted by the judges of election, and that all of said men thus illegally registered and allowed to vote voted for you.

Twelfth. That a large number of names of men, viz, about two hundred and fifty, were illegally placed upon the said registration lists of the said third Congressional district in precincts where they did not reside and where they were not legal voters, but said names were voted upon at said election, and their votes were counted by the judges of election, and all of said men thus improperly registered were allowed to vote and voted for you.

Thirteenth. That a large number of names, viz, about four hundred, of men who were not legal voters in said third Congressional district were, prior to said election, wrongfully, improperly, and fraudulently placed on the said registration lists of said district, all of which names were voted upon at said election by parties who had thus illegally registered, and all of whom voted for you, and their ballots were counted for you by the judges of election.

Fourteenth. That the names of a large number of legal voters, viz, nine hundred and more, residing in said third Congressional district, and who had been legally registered were, between the dates of their registration and said election, improperly, illegally, intentionally, and fraudulently stricken from the registration lists, and therefore were not to be found upon the poll-books used by the judges of election at said election, and when the voters, whose names were thus stricken off, presented themselves at the polls on said day of election, their votes were refused and not counted by the judges of election, and that all of said voters, most of whom were Democrats, offered to vote and would have voted for me.

Fifteenth. That a large number of men, legal voters, to wit, one hundred and fifty, or more, residing in said third Congressional district and legally entitled to be registered, properly presented themselves for registration within the proper time, and at the proper place, viz, the office of the recorder of votes for the city of Saint Louis, and were illegally refused registration, and that their names were intentionally and negligently left off the registration lists at said office, and when thereafter said voters presented themselves at the polls on the day of said election and offered to vote, their votes were refused and not counted by the judges of election because their names did not appear on the poll-books, and that all of said voters were Democrats and offered to vote for me and would have voted for me.

Sixteenth. That in each of the wards of the city of Saint Louis embraced in said third Congressional district, the revisers appointed by law to revise the registration lists for use of the judges of election on said day of election, and whose duty it was to ascertain and strike off of said lists the names of all those who were not legal voters in the various precincts of said wards, failed to perform their duty properly, but, on the contrary, illegally and wrongfully, and, in many instances, knowingly, fraudulently, and corruptly, permitted to remain on said registration lists the names of many, viz: Five hundred and fifty men who were not legal voters in the precincts in which their names appeared on said lists, and that on the said day of election said names were voted upon by parties not legally entitled to vote, all of whom voted for you, and their ballots were received and counted for you by the various judges of election.

Seventeenth. That in each of the wards of the city of Saint Louis embraced in said third Congressional district, the revisers appointed by law to revise the registration lists for the use of the judges of elec-

tion on said day of election, and whose only duty it was to ascertain and strike off of said lists the names of those who were not legal voters in the various precincts of said wards, improperly, wrongfully, illegally, and, in many instances, fraudulently, and corruptly, struck off a large number, viz: Three hundred names of legal voters who had been properly registered, and who were entitled to vote at said election, and that all of said voters were Democrats, and on the day of the said election appeared at the polls of the precincts in which they lived and offered to vote for me, but their votes were refused, rejected, torn up, and not counted by the judges of election.

Eighteenth. That at precincts from 37 to 57 inclusive, and from 117 to 153 inclusive, and others in said third Congressional district, you, yourself, your partisans, agents, and persons employed by you, did, with your knowledge and consent, by payments of money, gifts, and rewards, and by promises of money, of gifts, and of rewards, corrupted and procured, and attempted to corrupt and procure, and did thus corrupt and procure more than three hundred voters who were Democrats and who had a right to vote at said election in the third Congressional district, and who would have voted for me, to thus vote for you.

Nineteenth. That at said precincts, and others in said third Congressional district, you, yourself, your partisans, agents, and persons employed by you, did, with your knowledge and consent, by payments of money, gifts, and rewards, and by promises of money, of gifts, and of rewards, corrupted and procured, and attempted to corrupt and procure, and did thus corrupt and procure more than three hundred voters who were Democrats, and who had a right to vote at said election in the third Congressional district, and who would have voted for me, to forbear to give their vote at such election for me.

Twentieth. That at precincts from thirty-seven to two hundred and forty-four inclusive, and others in said third Congressional district, more than seven hundred votes were cast and counted for you on ballots or tickets known popularly as the "chronicle" ticket, which was a device intended and designed to mislead the voters, and which did mislead said voters, and the said ballots so cast were in violation of the election laws of the State of Missouri, and which said ballots, in case said deception had not been practiced and the law not violated, would have been cast for me.

That for the reasons stated in the motions to dismiss hereto appended and for that purpose made part of this answer, this cause should be dismissed.

R. GRAHAM FROST,
By DONOVAN & CONROY,
His Attorneys.

In matter of contest.

GUSTAVUS SESSINGHAUS, CONTESTANT, }
vs.
R. GRAHAM FROST, CONTESTEE. }

In the third Congressional district of Missouri.

Now comes said R. Graham Frost, by his attorneys, Donovan & Conroy, and moves your honorable body to dismiss the petition of Gustavus Sessinghaus, contestant herein, for the reasons herein set forth—

First. The same was not served on contestee within thirty days after the result of the election in said third Congressional district of Missouri had been by the proper authorities determined.

Second. Because the said notice of contest does not specify particularly the grounds upon which contestant relies.

Third. The same does not state facts in such manner or form as constitutes a notice of contest under the law for such cases made and provided.

DONOVAN & CONROY,

Atty's for Contestee.

In matter of contest.

GUSTAVUS SESSINGHAUS, CONTESTANT, }
vs.
R. GRAHAM FROST, CONTESTEE. }

In the third Congressional district of Missouri.

Now comes said R. Graham Frost, by his attorneys, Donovan & Conroy, and moves your honorable body to dismiss or strike out the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, sixteenth, seventeenth, and eighteenth specifications in notice of contest in above-entitled cause, because the same do not set forth the grounds of contest with such particularity as to prevent a surprise being practiced upon the contestee, or with such particularity as to put him upon a proper defense.

DONOVAN & CONROY,

Atty's for Contestee.

Served this answer and motions on answer in the city of Saint Louis, Mo., on the 21st day of January, 1881, by delivering a true copy thereof to Gustavus A. Sessinghaus, the within person, contestant.

ISAAC M. MASON, *Sheriff,*
By JOSEPH GREENWALD, *Deputy.*

(Indorsed:) No. 2. Sessinghaus vs. Frost. Answer. Donovan & Conroy, att'y's for contestant.

Before the House of Representatives of the United States, Forty-seventh Congress.

GUSTAVUS SESSINGHAUS, CONTESTANT, }
vs.
R. GRAHAM FROST, CONTESTEE. }

In the matter of contest in the third Congressional district of Missouri.

Now comes R. Graham Frost, contestee, by his attorneys, Donovan & Conroy, and moves that the depositions taken for Gustavus Sessinghaus, contestant, before Frank Kraft, esq., notary public, in the city of St. Louis, Missouri, be suppressed.

And for grounds of this motion this contestee states that without the knowledge or consent of contestee or his counsel—

I. That since the taking of the same by said Frank Kraft, esq., they

have been out of his care, custody, and possession, and were not safely kept and preserved, as required by law.

II. That since the taking of the same they have been in the possession of strangers to the proceedings, who were in nowise under the control of said notary.

III. That they have been left open and exposed on tables in the office of the counsel for the contestant, and by him, and by his office boy, and by strangers to the case, read, handled, written upon, and altered.

IV. That all of said depositions, since the taking thereof, have been withdrawn from the care of the notary by one of the counsel for contestant, and were in his office, part for many days and part for weeks, and were by him mutilated, changed, and altered.

V. That the alterations and changes made were material in this, that a large portion of contestant's case was concerning the accuracy of the registration lists, both with regard to the names and residences of voters, and the alterations in the spelling of a name or the number of a house, to make which full opportunity and license was given by the notary, might serve the purpose of contestant in establishing the validity of votes for himself or impeaching votes for contestee.

VI. That for the reasons stated in the accompanying affidavits the integrity of said depositions has been destroyed.

DONOVAN & CONROY,
Att'y's for Contestee.

Affidavits in support of motion.

GUSTAVUS SESSINGHAUS, CONTESTANT, }
vs.
R. GRAHAM FROST, CONTESTEE. }

In the matter of contest in the third Congressional district of Missouri.

FRANK J. DONOVAN, being duly sworn on his oath, states as follows: I was of counsel for R. Graham Frost in the Congressional contest aforesaid.

Some time prior to the 10th day of November, 1881, I heard that the testimony taken in said contest had, since the same was given, been out of the custody of the notary charged with the safe custody of the same; that it had been left with Lyne S. Metcalfe, jr., one of the counsel for Mr. Sessinghaus, and had been handled and used by him in the absence of the notary.

On said 10th day of November last, R. Graham Frost called upon me, and I communicated to him the strange information I had received. While we were conversing on the subject, Lyne S. Metcalfe, jr., counsel for contestant, came into the office. I at once said to him, "Mr. Metcalfe, you must have your brief on the contest prepared, inasmuch as you have spent the summer reading over the testimony taken in the case." He replied, "Oh, no! I did not have the testimony. I had only the depositions of one day, and that was the day the city ordinances were introduced. I wanted to see if the ordinances were reported correctly."

I stated what I had been given to understand, but he denied that he had had any of the testimony, with the exception of that taken on one specified day.

Mr. Frost made a note of Mr. Metcalfe's answer.

On the following day Notary Kraft called on me on some business,

and I inquired of Mr. Kraft if it was not the fact that Mr. Metcalfe had all of the testimony since it was written up. He was very reluctant to answer, and, noticing this, I resolved to press the inquiry. He finally told me that before he had gotten out of bed he received a letter from Mr. Metcalfe, requesting him to be sure to see him before he would call on me.

He subsequently said, "I do not propose to lie for anybody. The fact is that Mr. Metcalfe had, after it was all written up, all of the testimony, with the exception of that of one day."

I then stated that Mr. Metcalfe had denied that such was the case. He replied that he could not help that; that he had two letters in which he acknowledged the receipt of much of the testimony, and other letters requesting that more be sent to him, and that all the requests of his letters were complied with.

The notary further stated that Mr. Metcalfe ought to have known whether it was right or wrong for him to permit the depositions to be out of his custody; that Mr. Metcalfe insisted on having them, and that he complied with his demand.

The notary further stated that he wrote much of the evidence from his notes during his summer stay in Kausas; that while absent from the city Mr. Metcalfe continued writing for more of the testimony, and it was sent to him.

On being further interrogated, he said he had often seen the testimony laying open on the desk of Mr. Metcalfe, and had seen his office boy handling it. He did not know who else may have handled it, but it lay exposed, and any one going in or out of the office could have access to it.

I asked Mr. Kraft if any alterations had been made, and he said that Mr. Metcalfe had written on the margins, and had made corrections in names and localities, and had erased a portion of Dr. McCarthy's evidence, but that he had reinstated the latter.

This affiant states that it will appear from the testimony that a great portion of the contestant's evidence consists of misspelt names and places of residence; that it was the purpose of contestant to take advantage of typographical errors to disfranchise voters; that it appears from the affidavit of Notary Kraft that he permitted Mr. Metcalfe to write the names and localities as he saw fit, and his changes were adopted; that such changes so permitted to be made address themselves directly to the merits of the contestant's case, as it puts it within the power of Mr. Sessinghaus's attorney to so spell the names of persons and write the numbers of their residence as to place them outside of their proper election precincts, and thus disfranchise voters in sufficient numbers to secure the election of Mr. Sessinghaus.

FRANK J. DONOVAN.

STATE OF MISSOURI,
City of St. Louis, ss:

Sworn to and subscribed before me by the said Frank J. Donovan this twenty-eighth day of December, A. D. 1881.

Witness my hand and official seal.

[SEAL.]

C. D. GREENE, JR.,
Notary Public.

GUSTAVUS SESSINGHAUS, CONTESTANT,
vs.
 R. GRAHAM FROST, CONTESTEE. }

In the matter of contest in the third Congressional district of Missouri.

R. GRAHAM FROST, being duly sworn, on his oath, states that:

I was present at the office of Donovan & Conroy, in the city of St. Louis, on the 10th day of November, 1881.

Mr. Donovan informed me that he had heard that all the depositions given on behalf of Gustavus Sessinghaus in his contest had, since they were taken by Notary Kraft, been in the possession of his counsel, Lyne S. Metcalfe, jr.; that also all depositions taken on behalf of myself had, at the request of Lyne S. Metcalfe, jr., been delivered to him by Notary Kraft.

We were conversing about this extraordinary proceeding when Lyne S. Metcalfe, jr., entered the office.

Mr. Donovan said to him, "Mr. Metcalfe, you must have your brief on the contest already prepared, for I understand that you have during the summer read over all of the testimony."

His reply was, "Oh, no! I did not have the testimony; I had only my depositions of one day, and that was the day the city ordinances were introduced. I wanted to see if the ordinances were reported correctly."

I made a note of this answer just as it fell from Mr. Metcalfe's lips; and when Mr. Donovan talked with him again about having understood that he had had the testimony, he positively denied that such was the truth.

R. GRAHAM FROST.

STATE OF MISSOURI,
City of St. Louis, ss:

Sworn to and subscribed before me by the within-named R. Graham Frost, this twenty-eighth day of December, A. D. 1881.

Witness my hand and official seal.

[SEAL.]

C. D. GREENE, JR.,
Notary Public.

EXHIBIT A.

ST. LOUIS, Aug. 4, 1881.

FRANK KRAFT, Esq., or HIS BROTHER:

I have just returned from the North, and want more manuscript to work on. I return by messenger the testimony taken Feb. 1st, 2d, and 3d.

Please send me by bearer (or, if you are not at home, by messenger) as soon as possible the testimony for six or eight days following the 3d of Feb. I don't know what dates they may be, for a Sunday probably intervenes. I guess you had better send me 8 days' testimony, for I want to work pretty steady on it now.

Yours truly,

L. S. METCALFE, JR.

EXHIBIT B.

ST. LOUIS, Aug. 8, 1881.

Mr. CRAFT:

DEAR SIR : I return you testimony taken Feb. 4th and 5th. I want to retain that for Feb. 7th for a few days, as I have a copyist at work copying names from it. Will return it when I return next batch. Please send me testimony for at least six days, and, if you can, eight days. I finish it up so fast that it will keep me sending all the time. And oblige—

Yours truly,

L. S. METCALFE, JR.

EXHIBIT C.

ST. LOUIS, Aug. 18, 1881.

Mr. CRAFT : I send you by messenger the testimony taken Feb. 7, 8, 9, 10, 11, and 12. That is all I have received, except that for Feb. 14. The latter I am on, and will retain until I return next batch. Please send by bearer, or as soon thereafter as possible, testimony for the following eight or nine days ; that is, Feb. 15, 16, 17, 18, 19, 21, 22, and 23 ; and oblige—

Yours truly,

METCALFE.

When does Frank return ?

GUSTAVUS SESSINGHAUS }
vs.
R. GRAHAM FROST. }

Contest in the third Congressional district of Missouri.

FRANK KRAFT, of St. Louis, Mo., being duly sworn on his oath, states: I was the notary public selected by Gustavus Sessinghaus by and before whom the depositions for him in the above-entitled cause were taken. Said testimony was taken at the office of Lyne S. Metcalf, jr., esq., southeast corner of Fifth and Olive streets, in the city of St. Louis, and was transcribed by myself and assistants at my office on the northwest corner of Fifth and Olive streets, and at my residence, 2635 South Seventh street, in the city of St. Louis aforesaid ; also a portion of the contestee's testimony was by me transcribed near Chanute, Kansas, to which latter place I took my notes during the last summer, and continued the transcription of the testimony in this contest. Before the close of taking this testimony, being some time before April 22d, 1881, I spoke to both counsel, asking them to allow me the use of the several memorandums from which *names* and *addresses* had been read during the course of the depositions, as I desired to *correct the spelling of names of persons and of localities*. On or about the — day of —, 1881, after the close of the actual taking of evidence I again renewed my request, this time in writing, to the agent of Mr. Sessinghaus, and in answer thereto was waited on by Mr. Metcalf, of counsel for Mr. Sessinghaus, who informed me that he would save me that labor—the labor of going over his memorandum—that he would like to take the testimony as transcribed, look over it, and correct the spelling of proper names. What my answer was to this proposal I do not now remember; at any rate no testimony was delivered to him, because none had at that time been

fully completed (it having been dictated by me to several amenuenses). As I was not versed in regard to the rules which govern depositions taken in Congressional contest cases, I made it a point to see Mr. Pollard, the other of Mr. Sessinghaus's counsel, and from him received substantially these words: "I don't see what he wants with it; I am sure I don't want to touch it; let him have it if he wants it." Thus counseled by those whom I thought very well able to take care of their case, I permitted Mr. Metcalfe from that time on as rapidly as the manuscript was turned in to me by my clerks to have in his possession, *for review and correction of the spelling of proper names*, all the manuscript of the contestant's case, with the exception of one day in rebuttal, which I showed him, but which was not examined by him. I wish again to state that in permitting this inspection of my record by the counsel for the contestant I was acting under the impression that neither of the counsel for the contestant would ask me to do that which would in any degree prejudice their case.

From time to time, therefore, in pursuance of his request, I gave to Mr. Metcalfe the several depositions taken on behalf of the contestant; upon returning these he would receive others in their stead. While I was out of the city during the summer he wrote me frequently to my residence, requesting that depositions following those already inspected by him be sent him. These requests were also complied with in so far as the testimony requested by him was ready for review. Some of the letters referred to above calling for such depositions I found on my return to the city, and I append them hereto, marked Exhibits A, B, C, respectively. Others to the same purport were destroyed or mislaid.

I called frequently at the office of Mr. Metcalfe, and saw the depositions I had given him lying on his desk and tables, and saw his office boy handling them. They were open and exposed, and any person could have access to them. I did not object to this for two reasons: the first being that I deemed him as much interested as myself in preserving their integrity, and the second reason being that I intended to go over every page of the depositions after they were returned to me by Mr. Metcalfe.

On or about the 10th or 12th of November, 1881, when I had completed my revision and was about to forward the testimony to the Clerk of the House of Representatives at Washington, I received a note from Mr. Metcalfe early in the morning, before I was out of bed, asking me to please call at his office on that day at a certain hour named, and to be sure and do so before calling at the office of counsel for Mr. Frost. I did so call at the time stated, and found Mr. Metcalfe absent. I waited a little while. I again called during the day, but was still unable to find him in. As I was very anxious to complete the work and ship the testimony on to Washington I thereafter called on Mr. Donovan, of counsel for Mr. Frost, with a view to procuring a settlement of contestee's bill, and was then asked directly by Mr. Donovan if Mr. Metcalfe had not had all the depositions taken by the contestant, and I then made true answer to his question.

The testimony as transcribed by myself and assistants was very voluminous, being some 16,000 pages, if reduced to ordinary long-hand writing, but I exercised especial care to compare the depositions as returned to me by Mr. Metcalfe with my original short-hand notes, and thus was enabled to see what changes had been made in the manuscript. The only alterations so made by Mr. Metcalfe that I discovered, *aside from the mere correction of proper names*, was found in the testimony of

one Dr. McCarthy, a witness for the contestant, and these alterations consisted in simply erasing certain profane words frequently made use of by that witness in giving his testimony. When that witness was yet in the room, after giving his testimony, counsel for contestant requested of me, as did also the witness, to leave out such profanity, but counsel for the contestee positively refused to allow this. I then stated to the witness that I would not write the objectionable words in full, but would simply indicate them, and in this manner they appeared in my manuscript. I was therefore surprised to find this language erased, and, of course, immediately reinstated the language as given. With this single exception, I do not now recall that any other changes were made in the testimony *aside from the simple correction of proper names*, and these corrections in many instances were made in the margin and in ink, and were not erased by me; others, in pencil, will also still be found in the margin.

I will state also that had the request been made of me by counsel for the contestee for a like privilege to inspect their depositions, acting under the same ideas I should have suffered them to do likewise; but such request was never made, and no single page of testimony taken in this case was in the possession of or examined by the counsel for the contestee, Mr. Frost.

Inasmuch as it would seem from the course pursued by myself in permitting this testimony to go into the hands of Mr. Metcalfe, that I was very negligent of my duties as a notary, I desire again to add that I hold myself blameless in this matter, having trusted to the opinion of counsel for contestant, who, I felt assured, would not adopt or countenance a course of procedure in reference to their testimony which would in any manner prejudice or imperil the case they were seeking to establish.

FRANK KRAFT.

STATE OF MISSOURI,
City of St. Louis, ss:

Sworn to and subscribed before me this twenty-eighth day of December, A. D. 1881.

Witness my hand and official seal.

[SEAL.]

C. D. GREENE, JR.,
Notary Public.

Before the House of Representatives of the United States, Forty-seventh Congress.

GUSTAVUS SESSINGHAUS, CONTESTANT, }
vs.
R. GRAHAM FROST, CONTESTEE. }

In the matter of contest in the third Congressional district of Missouri.

Now comes Gustavus Sessinghaus, contestant, and, by his attorney, H. M. Pollard, files the following affidavit:

In the matter of the motion to suppress depositions of contestant.

SESSINGHAUS }
vs.
FROST. }

Before the Committee of Elections, Forty-seventh Congress.

I, JAMES WALTER METCALFE, being duly sworn, on my oath say,

that I am 17 years old; that I have always lived in the city of St. Louis; that for some time past I have been acting as clerk and office boy for Mr. L. S. Metcalfe, jr., attorney for Gust. Sessinghaus; that at various times during the months of Sept. and Oct., 1881, Mr. Frank Kraft, the notary in the case of Sessinghans *v.* Frost, came to the office of said L. S. Metcalfe, jr., bringing with him parts of the testimony taken for contestant in said case; that the said testimony, when received by Mr. Metcalfe, and when not being examined by him in the office, was placed and carefully kept in the safe in said office; that said safe is a strong one, to which the said Lyne S. Metcalfe, jr., only and no one else had access; that Mr. Metcalfe seemed to exercise the greatest care and caution in the keeping of said testimony; that he repeatedly cautioned me to be careful of it, and not allow any one to handle it; that while said testimony was in said office, the said Lyne S. Metcalfe, jr., examined it for the purpose of briefing it; that no one in or about the office, except Mr. Metcalfe, ever handled or had anything to do with the said testimony; that the said testimony never was out of the safe in the absence of the said Lyne S. Metcalfe, jr., from the office, except at times when the said Mr. Metcalfe, having completed it, left it with me, to be called for by the said Frank Kraft, and at such times the said testimony was carefully wrapped up in brown paper and tied securely; that the said testimony never was open in the said office except while Mr. Metcalfe was present. Although I had nothing to do with said testimony except as aforesaid, I frequently saw Mr. Metcalfe making examination of and briefing said testimony; that I occasionally saw Mr. Metcalfe making pencil marks in the margin of said testimony; that I never saw him use a pen in connection with said testimony, and that I never saw him make a change or erasure in the body of said testimony. I further state that it has been my duty and custom to remain constantly at the office of said L. S. Metcalfe, jr., from eight o'clock in the morning until five o'clock in the evening, and that from my own knowledge the said testimony was kept with the greatest regard to its safety and integrity.

J. W. METCALFE.

Subscribed and sworn to before me this 3d day of January, A. D. 1882.

[SEAL.]

A. A. PAXSON,
Notary Public.

(Indorsed:) Sessinghaus *vs.* Frost. Affidavit in behalf of contestant. Affidavit of J. W. Metcalfe. Filed by N. S. Paul, clk. Com. of Elections.

In the matter of contest for seat in 47th Congress from the 3d Congressional district of Mo.

GUSTAVUS SESSINGHAUS }
v.
R. GRAHAM FROST. }

Frank Kraft, being sworn, says he was employed by both sides in said cause to take the testimony; that after Mr. Metcalfe returned to him the testimony he carefully compared every sheet and page with his original short-hand notes of the evidence, and wherever the marginal suggestions of Metcalfe concurred with his said notes they were

adopted by affiant, and were by him written in ink. That said marginal suggestions were in pencil, except, probably, in one or two instances. That there were no alterations made in the testimony while it was out of affiant's hands. That the only thing done to it were marginal memoranda, which were made in pencil, save in one or two instances, which affiant now thinks were in ink; and a pencil mark drawn under or across the profane words of witness, Dr. Justin McCarthy. The testimony was absolutely untouched in any way, save as above stated. And affiant carefully examined each sheet as he did it up to forward to Washington; and when the same was placed in the box and shipped to Washington, it was exactly the testimony given and nothing else.

FRANK KRAFT.

STATE OF MISSOURI,
City of St. Louis:

Subscribed and sworn to before me this 3d day of January, 1882.

[SEAL.] CHRISTOPHER P. ELLERBE,
Notary Public, City of St. Louis, Mo.

(Indorsed:) Sessinghaus *vs.* Frost. Affidavit in behalf of contestant.
Affidavit of Frank Kraft. Filed by N. S. Paul, clk. Com. on Elections.

In the matter of the motion to suppress depositions of contestant.

SESSINGHAUS }
 vs. }
FROST. }

Before the Committee of Elections, Forty-seventh Congress.

I, Charles M. Switzer, being duly sworn, on my oath, say that I am an attorney at law in the city of St. Louis; that I have for the past eight months occupied the same offices with Lyne S. Metcalfe, Jr., attorney for Gust. Sessinghaus; that I am intimately acquainted with the said Metcalfe; that, though frequently during the months of August, September, and October, 1881, I observed Mr. Metcalfe making examination of papers which I thought from their size were papers in connection with the contested-election case of Sessinghaus *vs.* Frost, I never knew that the said papers were the official testimony in the said case; that I never handled or examined said papers; that I never saw any one handle or examine said papers except the said Metcalfe; that I never saw said papers lying around open or loose in said office except when in use by the said Metcalfe; that the said papers seemed to be kept carefully by the said Metcalfe, with no apparent chance of changing or tampering with them on the part of any one. I further say that during the periods above indicated it was my custom to be in said office during a large part of each day; I further say that I am a Democrat.

C. M. SWITZER.

Subscribed and sworn to before me this 3d day of January, A. D. 1882.

[SEAL.] A. A. PAXSON,
Notary Public.

(Indorsed:) Sessinghaus *vs.* Frost. Affidavit in behalf of contestant.
Affidavit of C. M. Switzer. Filed by N. S. Paul, clk. Com. on Elections.

In the matter of the motion to suppress depositions of contestant.

SESSINGHAUS }
 rs. }
FROST. }

Before the Committee on Elections, Forty-seventh Congress.

I, Lyne S. Metcalfe, jr., being duly sworn on my oath, say that I am, and have been since the 3d day of November, A. D. 1880, attorney for Mr. Sessinghaus in the contested-election case of Sessinghaus *v.* Frost; that after the evidence in the case was taken by the notary public, Frank Kraft, the latter requested of me the use of certain memoranda, made by me in the taking of testimony, for the purpose of correcting the spelling of proper names which appeared in the testimony for contestant; that having use for the same at my office, and desiring also to brief the testimony, I requested the said notary to bring to my office the testimony as copied from his short-hand notes made at the time of taking the same, the understanding being that, in the casual examination of the testimony for the purpose of briefing it, if I discovered any discrepancies in the spelling of names or in the residences of voters between that manuscript and the notes made by me at the time the testimony was given, I should, upon the margin of the sheets upon which the testimony was written, indicate in pencil-mark the method of spelling and the residence as shown by my memoranda, it being further understood that the said notary would go over all the testimony again, compare my suggestions with his original short-hand notes, and if said suggestions were found to be correct he would change the manuscript in accordance therewith. It was further understood that I should keep such testimony, while in my possession, carefully and free from any chance or opportunity for tampering. In accordance with this understanding, the said notary left at my office, in the city of St. Louis, on the southeast corner of Fifth and Olive sts., from time to time, most of the testimony taken for contestant, the said testimony being brought to my said office and returned from there, wrapped up carefully in strong brown paper and tied securely; that at all times during the day and night, when such testimony was not being examined and briefed by me, and with the exception of once or twice when said testimony was wrapped up awaiting the call of the notary, as hereinafter stated, the same was carefully wrapped up and locked securely in my safe in said office; that said safe is a large iron one, with a combination lock; that no one except myself has a key and access to said safe; that the said testimony was never at any time taken out of my office by any one except the said notary or his agent, when said testimony was returned; that in my said office, and nowhere else, I made a hasty examination of said testimony for the purpose of briefing it; that in a number of instances where I found that his manuscript differed from the memoranda made by me at the time the testimony was taken, I indicated in the margin in pencil what my memoranda showed the testimony to have been, merely to call the attention of the notary to the same, at the same time drawing a line in pencil under the words which differed from my memoranda; that in no instance did I alter, change, or erase words or sentences or names in the body of the said testimony, but merely made marginal suggestions, and that the testimony itself was left absolutely intact by me; that I made no pen and ink corrections whatever, and that in the case of one witness for contestant, as referred

to in the affidavit of the notary, I drew pencil lines under certain very profane words used by the witness, which words were in no respect material to the case, but that even in that case I left the words intact, only drawing a pencil line under them. I further state that I returned to the said notary the testimony absolutely intact and unchanged, leaving to the notary to make the changes suggested, only so far as they were found to agree with his original notes. I further state that the notary afterwards assured me that my suggestions were, in most instances, in harmony with his original notes, and proper to be made. I further say that no one in or about my office, except my office boy, knew the fact that I had such testimony there, until after all the said testimony was returned to the said notary, and sent on to Washington: that my said office boy knew the value of said testimony, and the necessity of watching and keeping it safely; that while I was absent from my said office said testimony was in my said safe as aforesaid, with this exception, that in one or two instances it was wrapped up and carefully tied, awaiting the call of the notary; that in no instance did I leave said testimony opened on my desk during my absence.

I further state that in the examination of said testimony, I used every precaution and care to keep it safely and free from any possible tampering with, and that, as an attorney, I felt the necessity of the utmost good faith and fair dealing, being only desirous that the said testimony should be correctly reported so far as was possible, and having leisure time during the summer months in which to prepare materials for a brief.

I further state that the use of the testimony at my office in the manner indicated above was, according to the habit and custom of attorneys in this city, a proper one; that it is a common thing for attorneys to take to their offices depositions and written evidence for the purpose of making examination and preparing briefs, it being a practice which no reputable attorney would take advantage of for the purpose of changing testimony, and without the strongest evidence of actual alteration, no high-minded attorney would charge another with having committed so contemptible an offense.

I further state that the said Frank Kraft, as notary, was employed by the contestee as well as the contestant to take the testimony in this case.

LYNE S. METCALFE, JR.

Subscribed and sworn to before me this 3d day of January, A. D. 1882.

[SEAL.]

A. A. PAXSON,
Notary Public.

(Indorsed:) Sessinghaus vs. Frost. Affidavit, in behalf of contestant. Affidavit of Lyne S. Metcalfe, jr. Filed January 6, 1882. N. S. Paul, clerk of Committee on Elections.

In the matter of the motion to suppress deposition of contestant.

SESSINGHAUS }
vs. }
FROST. }

Before the Committee on Elections, Forty-seventh Congress.

I, John R. Farrar, being duly sworn, on my oath say that I am an

attorney at law in the city of Saint Louis; that for the past two years I have had a desk in the law office of Lyne S. Metcalfe, jr., attorney for Gust. Sessinghaus; that I have known the said Metcalfe intimately; that my desk in said office has always been placed close to the desk of said Lyne S. Metcalfe, jr.; that at various times during the months of August, September, and October I observed Mr. Metcalfe examining and abstracting some papers, which I thought were papers used in the case of *Sessinghaus v. Frost*; that I never examined or in any way handled said papers; that I never knew, except as hereinafter stated, what the said papers were or that they were the official testimony in the said case; that Mr. Metcalfe seemed to be remarkably careful of the manner in which he kept said testimony; that I never saw said papers out of the safe in the office except when Mr. Metcalfe was present and making an examination of them; that I never saw any one handle said papers except the said Lyne S. Metcalfe, jr.; that the said papers never were left open on the desk of said Metcalfe in his absence or in any other part of said office. I further say that I never knew the said papers was official testimony in the said case, but on one occasion during the aforesaid period the said Metcalfe told me that he was getting up the brief in the Sessinghaus-Frost case; that the papers he was using were important and should be safely kept, and that he would be obliged to me if I would say nothing to any one in or about the office as to what he was doing. I further say that it was my custom to remain in the said office during said period almost constantly. I further say that I am a Democrat in politics.

JNO. R. FARRAR.

Sworn to and subscribed before me this 4th day of January, 1882. My commission expires June 29th, 1885.

[SEAL.]

FRANK OBEAR,
Notary Public City of Saint Louis.

(Indorsed:) Sessinghaus vs. Frost. Affidavits in behalf of contestant. Affidavit of John R. Farrar. Filed by N. S. Paul, clerk Com. on Elections.

GUSTAVUS SESSINGHAUS, CONTESTANT, }
vs.
R. GRAHAM FROST, CONTESTEE. }

Before Committee on Elections, Forty-Seventh Congress.

Now comes R. Graham Frost, by his attorneys, and represents that on this day the committee adopted the following resolution:

"Resolved, That the motion of the contestee for the suppression of the testimony in said cause be overruled and the testimony be ordered printed without prejudice to either party."

This contestee respectfully protests against said order to print as the same cannot be executed without prejudice to this contestee for the reason that if the question of tampering with the depositions is still open the very evidence of the changes, alterations, and erasures, will, in passing through the printer's hands, be destroyed or so blotted, marked, and handled that no satisfactory investigation can be had.

This contestee protests that, as alterations of only one class were examined, and if it is proposed to investigate the many others not ex-

aimed, that it should be done now before these papers are worked over or handled by others.

Respectfully submitted.

R. GRAHAM FROST,
By DONOVAN & CONROY,
His Atty's.

WASHINGTON, Jan. 17th, 1882.

(Indorsed:) Sessinghaus vs. Frost. Protest against the order to print. Filed Jan'y 17, '82. N. S. Paul, cl'k Com. on Elections.

GUSTAVUS SESSINGHAUS
vs.
R. GRAHAM FROST.

Contest in the Forty-Seventh Congress.

Frank Kraft, of the city of St. Louis, Mo., on his oath, states that he was the notary employed by contestant and contestee in the above entitled cause.

That all, or very nearly all of the transcript of the testimony taken on behalf of the contestant, was made by my several assistants and from short-hand notes dictated to them by me.

That in many instances breaks and gaps were left in the transcript so turned in by them, by reason of their imperfect notes or inability to read their notes, the same being left to be supplied by myself when the work of revision was instituted.

That this imperfect, partly open, uncompered, and uncorrected copy of my assistant's notes was the manuscript submitted to Mr. Metcalfe and none other.

That thereafter, the same being returned to me by Mr. Metcalfe, I began and completed my revision, comparing and correcting each page of the manuscript from my original short-hand notes.

That in this work of revision, comparison, and correction I was in no instance, governed by the marginal notes made by Mr. Metcalfe, giving my original short-hand notes the preference, save and except only in the spelling of proper names.

That I did not begin to revise and correct the depositions in this cause until after their return to me by Mr. Metcalfe, and having once entered upon this work, I used my original short-hand notes, erasing, altering, and interlining, as they showed the depositions to have been given, and immediately thereafter signing and sealing each day's proceedings; and no one single page of the depositions given in this cause was ever again out of my possession until it was forwarded by me direct to the Clerk of the House of Representatives, at Washington, D. C.

That the depositions of the contestee, Mr. Frost, were not at any time in the possession of Mr. Metcalfe, or any one else interested in this cause, until they were opened and inspected at Washington.

That in determining the spelling of proper names occurring in the depositions given on behalf of the contestee, Mr. Frost, I made reference to and had the use of original memoranda made by counsel for contestee, before and during the progress of taking said depositions.

FRANK KRAFT.

STATE OF MISSOURI,
City of St. Louis, ss:

Subscribed and sworn to before me this 19th day of January, A. D.
 1882.

[SEAL.]

CHRISTOPHER P. ELLERBE,
Notary Public.

(Indorsed:) Affidavit of Frank Kraft. In case of Sessinghaus *vs.* Frost. Referred to 2d subcom. Filed Jan'y 24, '82. N. S. Paul, cl'k Com. on Elec's.

SESSINGHAUS }
vs. }
 FROST. }

Before Committee on Elections, 47th Congress.

FRANK KRAFT, being duly sworn, on his oath states:

It is not my intention in giving affidavits on the motion to suppress to change in any respect the affidavit first made by me in this matter. As I stated then I desired the use of memoranda from which names and addresses had been read during the course of the depositions, as I desired to correct the spelling of names of persons and of localities.

When I called on counsel for contestee, Mr. Donovan, he allowed me to take whatever I needed or requested, but he did not know what use I made of same, or give me any directions, or make any requests, and never interfered with me in any way whatsoever, in the faithful performance of my duty as an officer.

Lyne S. Metcalfe, jr., importuned me to let him have the testimony itself, as transcribed, and I did give him possession of it for review and correction of the spelling of proper names. I trusted to his integrity to write correctly the names of persons and localities as given by the witnesses. I could rely on my notes of testimony in all respects but this, and hence I took Metcalfe's written suggestions believing when I adopted them that I was giving names and localities as they were given by the witnesses on the stand.

FRANK KRAFT.

STATE OF MISSOURI,
City of St. Louis, ss:

Sworn to and subscribed before me this thirtieth day of January,
 A. D. 1882.

Witness my hand and official seal.

[SEAL.]

C. D. GREENE, JR.,
Notary Public.

(Indorsed:) 47th Congress. Committee on Elections. Gustavus Sessinghaus *vs.* R. Graham Frost. Affidavit of Frank Kraft, made Jan. 30, '82. Filed Feb'y 1, '82. N. S. Paul, cl'k Com. on Elec's.

No. 1.

1 NOTICES TO TAKE DEPOSITIONS-IN-CHIEF.

First notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that the depositions of Richard Walsh, Charles G. Gonter, F. W. Wiesehahn, John A. Hyde, E. T. Allen, John Flaherty, William Hardwig, Michael Burke, Peter Burns, Gustavus Sessinghaus, and other witnesses, all of the city of Saint Louis, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of Saint Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Thursday, the 29th day of January, A. D. 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

2 And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, *Attorneys.*

Above notice received this 24th day of January, 1881.

DONOVAN & CONROY,
Att'ys for R. Graham Frost.

3 *Second notice to take depositions.***Hon. R. GRAHAM FROST:**

Take notice that the depositions of Louis Schellhammer, Chas. Kae-soffer, J. H. Hartwig, Nick Schoettler, E. Siekmann, Henry Reinhardt, Y. B. Haagsmer, Henry Woods, F. A. Wind, Arnold Beck, Christ. Temme, John Frame, J. H. Madole, W. H. Jones, H. C. Benning, W. W. Judy, John C. Bensieck, Felix Coste, A. H. Krueger, Peter H. Hemminghaus, Charles H. Remmert, James Inniss, P. A. Reed, Samuel Windom, James Brown, Sanford Ashby, Joseph Bailey, John Smith, Alexander Batton, Walter Harris, Wilson Lee, Cain Rollins, H. Smith, Sam. Roland, Stuart Mack, Ben. Thomas, Geo. Harris, Sander Bauser, Joseph Bell, Silas Benjamin, Edward Brown, E. E. Cainan, John Dorsey, Wm. 4 Dunam, Wm. Gray, Sam'l Johnson, Elizah Kimball, Thomas Knapper, George Leland, Perry Whalen, Wm. Wilson, and other witnesses, all of the city of St. Louis, will be taken at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Thursday, the 3d day of February, A. D. 1881, between the hours of eight o'clock in

the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day, will be
 5 continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
 By LYNE S. METCALFE, JR.,
 H. M. POLLARD, Attorneys.

Service of a copy of above notice received this January 31, 1881.
 DONOVAN & CONROY,
Att'ys for Contestee.

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Third notice to take depositions..

Hon. R. GRAHAM FROST:

Take notice that the depositions of D. J. Jewett, B. H. Dye, C. C. Simmens, Ford Smith, and W. G. Allen and other witnesses, all of the city of Saint Louis, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Thursday, the 3d day of February, A. D. 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day, will be
 7 continued from day to day, at the same place, and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
 By LYNE S. METCALFE, JR.,
 H. M. POLLARD, Attorneys.

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Fourth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that the depositions of James Turner and other witnesses, all of the city of Saint Louis, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Thursday, the 3d day of February, A. D. 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day, will be
 9 . continued from day to day, at the same place, and between the same hours, until completed.

And you are further notified that said depositions are to be taken

for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

Received copy of above Feb'y 1, '80.

DONOVAN & CONROY,
Attys for Contestee.

10

Fifth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of Charles Foster, Wm. Adams, Lewis Williams, Henry Meredith, Ben. Thomas, Tom Harvey, John Sombery, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on the 7th day of Feb., A.D. 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said 11 depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-Seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.
H. M. POLLARD, Attorneys.

Receipt acknowledged Feb'y 3d, 1880. [!]

DONOVAN & CONROY, *Attys.*

12

Sixth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of J. H. Potthoff, R. Rapp, T. Whalen, John Flaherty, John Doousch, Wm. H. Stromberg, D. A. Mulcahy, Tom Crowley, Wm. McClelland, Michael Aderni, J. Bruner, Henry Kaiser, S. W. Bradley, M. S. Maher, and other witnesses, all of the city of St. Louis, in the State of Missouri, will be taken at the law-office of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Tuesday, the 8th day of Feb., 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the 13 taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for

the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, *Attorneys.*

Received above Feb'y 4th, '81.

DONOVAN & CONROY,
For Contestee.

14

Seventh notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of John Braun, Reilly Jones, Philip Lauff, Dan Etton, S. Fitzwater, G. H. Schlarman, Carl Hurdler, John Tisch, Henry Miller, Wm. Seeger, Anthony Williams, John Davis, Jesse Harris, Silas Green, Wm. Thomas, James Mitchell, Charles Green, Ed. Robinson, Chas. W. Blair, Thomas Berry, James Lincoln, Chas. Greevlon, Frank Rochester, Max Grabinsky, R. T. Brophy, Lee Baker, Geo. Washington, John R. Ern, Henry Person, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Wednesday, Feb. 9th, 1881, 15 between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day at the same place and between the same hours until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, *Attorneys.*

Received above Feb'y 5th, '81.

DONOVAN & CONROY,
Att'ys for Contestee.

16

Eighth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of John Small, Henry Meyerhoff, John Bruns, Christ. Hilf, Fred Kramer, F. Fogler, Albert Tyler, Th. Krantfuss, Geo. R. McIlvain, Fred. Kleinschmidt, Martin Dippold, F. G. Link, C. H. Koester, C. H. Broder, J. M. Stuetermann, Carl Keiser, Samuel Aerchbock, Martin Boessler, Christ. Niemeyer, Casper H. Kramer, Henry B. Wischmeyer, Henry Hagensicker, John G. Redemeyer, Aug. W. Koehler, Henry W. Meyer, Gustavus A. Gruner; and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be

taken at the law office of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public, within and for said city, on Thursday, Feb. 10th, 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day at the same place and between the same hours until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALF, JR.,
H. M. POLLARD, Attorneys.

(In pencil:) Received copy Feb'y 7, '81.

DONOVAN & CONROY,
Att'ys for Contestee.

Ninth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of Dinkey Howard, Louis Bathen, John Merkel, Heury Helne, Dabney Murray, Sebastian Hatz, Peter Hawkins, Jacob Volk, A. B. Halmmede, Charles Williams, F. Scheller, Henry Buddenberg, Joseph Minor, John Edwards, J. M. Thomson, Charley Jenkins, Kato Green, Philip Smith, Matthias Stoltz, Alex. Terry, Abner Shelton, Merritt Johnson, Antoine Crawford, Simeon Johnson, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olives, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for the said city, on Thursday, Feb. 10, A. D. 1881, between the hours of eight in the forenoon and eleven in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place, and between the same hours until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

Tenth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of Chas. A. Price, Wm. Roth, Wm. H. Indermark, Shibuck Rick, L. M. Howell, Henry Siebetto, Ben. Brown, Phil. E. Green, Beverly Strodder, Augustus Solari, Adolph Pfeiffer,

Theodore Bellesson, Henry Kroger, D. D. Dickey, F. Luedecker, Willie Dodd, Geo. H. Griggen, Caspar H. Dietering, Isaac Miller, Edw. T. Goodfellow, John Burlin, Herman Lammers, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for the said city, on Thursday, Feb. 10, A. D. 1881, between the 22 hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day at the same place and between the same hours until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

• GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

23

Eleventh notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of John Schomaker, Robert Coleman, Peter Fix, Conrad Zoest, Tom Hudson, Dick Howard, C. H. Grote, James Brown, Joseph Turnell, James Mitchell, Louis White, Frank G. Smith, Dan Palmer, Joe Turner, Thomas Williams, F. Reinecke, Dr. C. H. Rohlfing, Jas. Moran, Frank Williams, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Thursday, Feb. 10, 1881, between the hours of eight in 24 the forenoon and eleven in the evening of said day; that the taking of said depositions, if not completed on that day, will be continued from day to day at the same place and between the same hours until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress, for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys,

25

Twelfth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of Geo. A. Myers, David Roskilly, Henry Indermark, Edward Lewis, T. H. Evert, Thos. Kaiser, August Washausen, John Courino, Peter Ilmer, Charles P. Mueller, Louis F. Hardig, Jacob Postel, Ch. Eggemann, Herman Springmerer, Herman Priessmeyer, H. Tieman, T. H. Laudwehr, Wm. Moore, Augustus Mueller, H.

Stuebee, Wm. Miller, G. Goedecke, —— Beckman, Geo. Springmeier, Fred. Holman, H. Ermentraut, Christian Haeckel, J. Emery, W. Becker, Chas. W. Wilson, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri,
 26 before Frank Kraft, notary public within and for said city, on Thursday, Feb. 10, A. D. 1881, between the hours of eight o'clock in the forenoon and eleven in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day at the same place and between the same hours until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress, for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
 By LYNE S. METCALFE, JR.,
 H. M. POLLARD, Attorneys.

Thirteenth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of Calvin McKinzie, Franklin Lewis, Wm. Rumsey, Frank Smith, James Stockton, Lambert Thomas, Joseph Turnell, Richard Taylor, Harry Williams, Dick Howard, F. G. Smith, Harry Boons, Joseph Williams, Ed. Williams, John Betts, Wesley Howard, James Bentford, A. Goodall, H. T. Barcus, H. W. Peck, Lewis White, J. J. Jones, Simon Lott, Henry Parnell, Lewis Steele, E. A. Fulton, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis, and State of Missouri, before Frank Kraft, notary public within and for said city, on Thursday, Feb. 10, 1881, between the hours of eight o'clock in the forenoon and
 28 eleven in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives, of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress' for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
 By LYNE S. METCALFE, JR.,
 H. M. POLLARD, Attorneys.

Fourteenth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of Edward Cummings, Henry C. Corunn, Richard McDowell, Henry Betts, Thomas Williams, Andrew Anderson, William Johnson, York Robinson, Harry Johnson, Gery Anderson, John Belleville, Robert Coleman, Henry Coleman, John Garrett,

Wesley Howard, Ben. Humes, James Lincoln, James Pope, Lewis White, Ed. Taylor, Geo. Washington, James Mitchell, Chas. Green, Ed. Robinson, Chas. W. Blair, Thomas Berry, Charles Greenlow, Frank Rochester, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalf, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis, and State of Missouri, before Frank

Kraft, notary public within and for said city, on Thursday, Feb. 30 10, A. D. 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

31 *Fifteenth notice to take depositions.*

Hon. R. GRAHAM FROST:

Take notice that depositions of R. H. Smith, Robert M. Cannen, Henry Hoehle, Peter Curran, Thos. Willianis, Joseph E. Johnston, Joseph Brown, Charles Beck, James Taylor, Henry Bener, P. Schottgen, Chas. S. Brown, Geo. Johnson, J. F. Hartman, Jefferson Hale, Joseph Williams, Frank Walter, Griffin Hemphill, Geo. Ball, Otto Henkel, F. W. Giesker, Joseph Smith, Julius F. Kriek, Constantine Mast, G. Dugles, Paul Preelitel, Fred Howarth, John F. Bloss, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalf, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft,

32 notary public within and for the said city, on Thursday Feb. 10, A. D. 1881, between the hours of eight o'clock in the forenoon and eleven in the evening of said day; that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

33 *Sixteenth notice to take depositions.*

Hon. R. GRAHAM FROST:

Take notice that depositions of H. F. Meyer, Chas. Frenger, Geo. Battlett, M. Crane, W. G. Beasley, H. Bultehorm, Jacob Hyde, Nat.

Wilson, Steven Jones, Henry Howard, London Moore, Alfred White, Sampson Green, Christ. Reinhardt, Simon Zork, John Reigert, E. Lindermann, C. H. Grote, Wm. Coleman, Christ. Schumacher, Mathias Stark, Joseph Brown, J. J. Jones, Frank Williams, Christ. Krueger, Christ. Osterwisch, Geo. Maschmeyer, John Myers, J. Polk, J. Delgman, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Saturday, Feb. 12,

34 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, Jr.,
H. M. POLLARD, Attorneys.

35 *Seventeenth notice to take depositions.*

Hon. R. GRAHAM FROST:

Take notice that depositions of J. B. Steigers, Wm. Golby, Michael Rooney, Henry Rohlfing, L. Manion, H. Hillenkoetten, Otto Newhaus, Michael Reilly, Chas. R. Wolfe, J. Hargaty, T. Colville, M. D. Strait, Chs. Arnold, E. Hummel, Francis Krauss, J. B. McGroarty, Gus. Stremmel, Jno. Colonies, J. T. Smith, I. H. Kopp, Philip Osterman, Geo. Kreckel, Thomas Watson, H. H. Hess, J. E. McKinney, C. E. Nixdorff, G. P. Schrmhe, Otto D'Amour, A. C. Williamson, John Holland, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for the city, on Saturday, Feb. 12, A. D. 1881,

36 between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day; that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

37 *Eighteenth notice to take depositions.*

Hon. R. GRAHAM FROST:

Take notice that depositions of Richard McDow, Wesley Genise, Louis Hake, Wm. Priesmeyer, Wm. Carr, Geo. Johnson, J. F. Hartman,

Joseph Williams, Jefferson Hale, Frank Walter, Lambert Thomas, F. A. Reading, E. Taylor, E. Pope, Wesley Howard, Henry Coleman, James Pope, Chas. Pembleton, Alex. Maffatt, Ed. Comos, Peter Grassmuck, A. T. Ruppenthal, John Ashton, Levi Talle, Oliver Vallandingham, W. B. Allen, Henry Hoehle, J. H. Marquardt, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive Streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Saturday, Feb. 12, A. D. 1881, between the hours of eight o'clock in the forenoon and eleven in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

38 And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

39

Nineteenth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of F. W. Grotejohn, Wm. Pawley, H. R. Wills, W. P. Alvord, David A. Marks, C. F. Fox, Jesse Dorsey, Chas. Sargent, J. P. Reynold, T. W. Blackman, Ben. Humes, H. W. Woermann, J. F. Niermeyer, Jas. Stockton, Geo. H. Beckham, Henry Bruns, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis, and State of Missouri, before Frank Kraft, notary public within and for said city, on Tuesday, Feb. 15th, 1881, between the hours of eight o'clock in the forenoon and eleven in the evening of said day; and that the taking of said depositions, 40 if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

41

Twentieth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of Aug. Betge, H. A. Hemmert, Geo. Long, Wm. Reipschlaeger, Herman Astroth, Henry Schlueter, E. H. Blanke, A. M. Russell, Francis Krueger, Jno. Stoeckel, John Leeker,

H. H. Kinderman, Ludwig Horstbrink, Jno. R. Payken, Henry Ritter, Richard Taylor, York Robinson, Wm. Johnson, Jno. Williams, Jno. H. Frorlicht, Alex. Heigle, H. H. Stockhoff, E. H. Greve, Jno. W. McCarthy, P. T. Madden, David A. Fischer, Jno. Field, Moses Page, Frank Manley, Joe Kelly, Arthur Boyle, W. H. Conrey, Wm. F. Eppmeyer, Wesley Hogan, R. Jackson, Henry Pfeifer, H. Hensick, Ferdinand Boothe, Henry Krounsbein, August Bollman, F. Diekroger, Jos. Urban, D. Morische, Henry Fressler, Jno. H. Wehmiller, Stephen M. Wilson, Joe Tourville, Herman Braedicow, John Couzelmann, D. William Temme, Henry Kerksiek, Casper Stolle, H. W. Kampheman, Wm. 42 Kombrink, Julius Geroch, F. W. Springmeyer, H. Ganss, Wm. F. Nolker, Wm. Recker, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of Saint Louis, and State of Missouri, before Frank Kraft, notary public within and for said city, on Tuesday, Feb. 15, A. D. 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day; and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

43 And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contessee, for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

44 *Twenty-first notice to take depositions.*

Hon. R. GRAHAM FROST:

Take notice that depositions of Moses Hull, Francis Krueger, Chas. Carroll, John Stoeckell, John Leeker, J. R. Davis, F. Weibel, Louis Heidecker, Fred. Pettgar, John Williams, Chas. Jordan, M. A. London, Wm. Springmeier, H. Johanningmeier, R. E. Nagel, Henry Meyer, Henry Boose, E. M. Bounds, Anton Schroeder, Andreas Fischer, Jas. G. Doyle, Ch. F. Winter, Henry Koboldt, A. G. Paltzer, Ch. Trubins, Henry Twellman, Aug. Warmoff, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said

45 city, on Tuesday, Feb. 15, A. D. 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant

and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALF, JR.,
H. M. POLLARD, Attorneys.

46

Twenty-second notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of J. G. Solan, H. S. Walker, Herman Rohne, G. P. Hoffman, J. P. Ricker, Geo. Ross, F. Kroener, Wm. Kerk-sick, Christ. Ortman, C. G. Stiefel, J. H. Copp, Henry Ebling, Fred. Koelling, F. W. Gartner, F. Steinkemper, Edward Williams, F. Stocko, Peter Obernier, H. W. Schrader, Fred. Gieselman, T. J. Brown, Geo. Solomon, Geo. Klippell, F. Dickman, J. H. Broer, J. B. Breitt, H. J. Boenkamp, A. Hickman, H. Hilker, H. Brocksmith, Chas. J. Wiesehahn, Wm. Ballentine, H. Saeger, Wm. Kickens, Jno. Fay, W. R. Parkings, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance

Exchange building, southeast corner of Fifth and Olive streets,
47 in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Wednesday, Feb. 16, 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

48

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

49

Twenty-third notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of C. T. Hall, J. F. Wohlbrink, Albert Bornmiller, G. H. Ossing, Joseph Schenk, Charles Hilmer, H. Koppelman, Leopold Schmaltz, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said, on Wednesday, February 16th, 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

50 And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein

I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALF, JR.,
H. M. POLLARD, Attorneys.

51

Twenty-fourth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of Geo. Downs, Jacob Stuber, H. F. F. Swaner, Aug. Homan, Wm. Hasslinger, Fred. Partenheimer, J. L. Bradley, Fred. Brommelsick, Wm. Stricker, Phil. E. Green, Geo. Randall, Ed. Kennedy, Jerome Peabody, Ben. Nichols, Friederich Welsch, Geo. Schubert, Henry Mueller, Chs. Goesling, Wm. Michel, Ernst Oberbeck, Christ. Conrades, Chs. Renne, Osborne Turner, Jno. Goodin, Wm. Mentz, S. Kehrman, Mark Hudson, Simeon Johnson, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for the said city, on Wednesday, February 16th, 1881,

52 between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

53

Twenty-fifth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of Jerry Dooley, Wm. Dooley, Jacob Benner, Michael J. Brennan, Robt. McFadden, Berry Cooper, S. S. Allen, B. Hutt, G. A. Grimm, L. Noerteman, H. M. Browne, S. Hyatt, Robt. White, W. H. Cobb, Geo. Lang, S. Wheaton, C. S. Drake, A. Hull, Henry Gerecke, Chas. Godejohn, Chas. Allis, Edw. Owens, Wm. Lingo, B. E. Wetmore, Henry Stege, Ben. Nichols, Edw. Weber, J. C. Martin, Martin Murphy, Henry Vierheller, Wm. Bowen, Albert Wolblock, C. H. Meinhardt, Thos. Burke, S. A. Betz, Robt. Dejournellt, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Wednesday, Feb. 16,

54 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for

the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

55

Twenty-sixth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of A. Roepke, E. Hummel, Julius F. Vogt, Chs. Karch, Jacob Benner, H. A. McDonald, James Gove, Wm. Wilhelm, Jno. Ruby, James McGloni, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-office of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of Saint Louis and State of Missouri, before Frank Kraft, notary public within and for the said city, on Wednesday, February 16th, 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

56 And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

57

Twenty-seventh notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of Baltazer Hemmerla, Adam Weibert, Wm. Recker, Mrs. Hickey, Dermody Doyle, Jno. Pairn, Mrs. Flannery, Arthur Boyle, Mrs. Lyons, C. R. McBride, Adolph Benedict, Mrs. M. J. Burke, M. Burke, Jno. Maloney, Jno. Cushion, Mrs. Lear, B. F. McCuslin, Malacke Ryan, W. H. Stromberg, Timothy Maxey, Thomas Gallagher, John J. Pfund, Ch's Warner, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Thursday, Feb. 17, 1881, between the hours of eight 58 o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant

and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

Twenty-eighth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of John J. Howard, Phil. Platz, H. Twellman, Wm. Baumhofer, Christian Kriegerhauser, Gerhard Miller, Henry Kassen, Henry S. Falter, J. W. Hartnagel, F. W. Kisker, Aug. Hoest, Aug. Brandt, Godfried Dilford, Louis Hering, J. Hoppeler, J. P. Sheorgen, C. W. Renz, F. Ponath, W. W. Hall, Sam. Gray, Wm. Mund, Fred. Schmieder, Henry Schoenbeck, Herman Strenghoener, Christ. H. Surkamp, Fred. Teintrup, Chas. Van Hoop, Julius F. Vogt, H. Lederer, Wm. Reed, Jos. Monroe, Wm. Richard, Jacob Morris, Chas. Wagner, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive 60 streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Friday, Feb. 18, 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am 61 contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

Twenty-ninth notice to take depositions.

Hon. R. GRAHAM FROST:

Take notice that depositions of John R. Parker, Henry Champion, W. L. Milburn, Dr. W. Harder, F. A. Borgstedt, Charles H. Maul, Wm. D. Barker, Ed. Heinritz, Jno. G. Bruder, John Eierwaim, Henry Finkeldery, Henry Weise, Henry Rosenthal, Herman F. Wittig, Wm. Geemann, John W. Mohrman, James Harmon, Emil Becker, Jno. G. Ries, Herman Rechtien, Stanley Waterloo, Nict. Sweitzer, Jno. Starch, John Earnet, Louis Schafner, Jno. Brown, Jos. Wright, Ed. Clarke, L. J. Bojoos, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive 63 streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Saturday, Feb. 19, 1881, between the hours of eight o'clock in the forenoon, and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for

the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

64 **GUSTAVUS SESSINGHAUS,**
By LYNE S. METCALF, JR.,
H. M. POLLARD, Attorneys.

65 *Thirtieth notice to take depositions.*

Hon. R. GRAHAM FROST:

Take notice that depositions of Aug. Hartwig, of Black Jack ; C. D. Taacke, of Florisant; F. H. Twellman, jr., of Spanish Lake ; Wm. Krenning, of Black Jack ; James W. Vanghn, of Bonfil's ; Granville Rife, of Bridgeton, W. B. Ferguson, of Ferguson Station ; Gustave Wittich, of Musick's Ferry, Chas. Hord, of Ferguson Station ; Jack Williams, of Ferguson Station, and other witnesses, all of the county of St. Louis, and State of Mo., will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis, and State of Missouri, before Frank Kraft, notary public within and for said city, on Saturday, Feb. 19, 1881, between the hours of eight o'clock in the forenoon, and eleven in the evening of said day, and that the taking of said depositions, **66** if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, Attorneys.

67 *Thirty-first notice to take depositions.*

Hon. R. GRAHAM FROST:

Take notice that depositions of Nicholas Schwitzer, August Horst, Christ. Paffhausen, Henry Wilkening, Fred. Schneller, Chs. Ahrens; Jno. Stein, F. N. Bufe, Theo. Hideneick, Jacob Meyer, Ernst Farley, Henry Briesa, Chas. Soller, H. Schaeperkoetter, J. Teuteberg, Herman Austerman, Wm. Koch, F. Frornery, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Thursday, Feb. 24th, between the hours of eight o'clock in the forenoon and 11 o'clock in the evening of said day, and that the taking **68** of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and

you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, *Attorneys.*

69

Thirty-second notice to take depositions.

Hon. R. GRAHAM FROST :

Take notice that depositions of Louis Hospes, H. C. Wright, and other witnesses, all of the city of St. Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said, city on Thursday, March 3, 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested-election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD, *Attorneys.*

71 Depositions of witnesses produced, sworn, and examined at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before me, Frank Kraft, notary public within and for the city and county of St. Louis, and State aforesaid, on the 29th day of January, 1881, and on the 31st day of January, 1881, as well also as on the 1st, 2nd, 3rd, 4th, 5th, 7th, 8th, 9th, 10th, 11th, 12th, 14th, 15th, 16th, 17th, 18th, 19th, 21st, 22nd, 23rd, 24th, 25th, 26th, and 28th days of February, 1881, and the 1st, 72 2nd, 3rd, 4th, and 5th days of March, 1881, in a certain contest now pending in the House of Representatives of the Forty-seventh Congress of the United States concerning the position of Representative for the third Congressional district of the State of Missouri, wherein Gustavus Sessinghaus is contestant and R. Graham Frost is contestee, on the part of the said contestant.

Lyne S. Metcalfe, jr., and H. M. Pollard, for contestant, and Donovan & Conroy, for contestee, present.

1 CHARLES G. GONTER was then called by the contestant.

Mr. DONOVAN. Before this witness is sworn, I desire to have the following objections go upon record :

The contestee, R. Graham Frost, objects to all the facts in this cause for the reason that the notice of contest was not served on the contestee within thirty days after the result of the election in the said third Congressional district of Missouri had been by the proper authority determined. Because the notice of the contest does not specify 2 particularly the grounds upon which the contestant relies. Because

the same does not state facts in such manner or form as constitutes a notice of contest under the law for such cases made and provided. And for the further reason that the grounds of contest are not stated with such particularity as to prevent a surprise being practiced on the contestee, or with such particularity as to put him upon a proper defense.

Stipulation.

It is stipulated and agreed by and between all parties to these depositions related, that the said depositions shall for the present be taken in short-hand by Frank Kraft, esq., notary public, and the signatures of the witnesses waived, with the privilege reserved to the contestee of introducing a notary on their part at any stage of the proceedings.

2½ Mr. CHARLES GONTER was then duly sworn by the notary on the part of the contestant, and, being examined, deposeth and saith as follows, to wit:

By H. M. POLLARD, Esq., of counsel for contestant:

Question. Please state your name.—Answer. Charles G. Gonter.

3 Q. And your age is what, sir?—A. My age is 53.

Q. What is your place of residence?—A. 1225 Pine street, in the city of Saint Louis, Missouri.

Q. What is your occupation?—A. I am recorder of voters.

Q. For what place?—A. For the city of Saint Louis.

Q. How long have you been recorder of voters?—A. A year last February.

Q. When does your term of office expire?—A. 1883, I believe. I was appointed for four years.

Q. It is an appointive office then, is it?—A. Yes, sir.

Q. Briefly state the duties of your office.—A. The duties of the office as recorder of voters is to register all qualified voters of the city of Saint Louis, and to make up a list of the names in the shape of 4 poll books and have them presented to the judges. Those are among my duties.

Q. When does the time commence for registration of voters with regard to any election?—A. Fifty days prior to the election. The office, though, is open all the time for registration. The law provides that it shall be so open, and for 50 days before the election, the clerks and employés shall prepare for it.

Q. When does the time for registration cease?—A. Ten days prior to an election.

Q. How does a voter become registered after the expiration of that time, that is, within ten days before an election?—A. Well, in the office of the recorder of voters he cannot be registered under that law, but under a special law passed by the legislature providing for the registration at the polls he can. Therefore he can register on the day of election.

5 Q. Then no man under the law can register at any time within ten days, except on election day?—A. No, sir.

Q. On election day, what is the method of procedure for registration?—A. The judges of election are required by law to appoint a registrar of each election district. He is furnished by me with a book and paper to enter those names upon. He acts there, then, in the capacity of the recorder of voters on that day.

Q. What power has this registrar on election day?—A. He has the same power that I have as recorder of voters.

Q. It is his duty, then, to register every individual who satisfies him that he is entitled to vote in that precinct?—A. Yes, sir; that is his duty.

Q. What authority or power has he to make inquiries, or to ascertain facts, except from the individual presenting himself for registration?—A. I don't think he has any, sir.

Q. Then, if a man presents himself to vote on election day (who has not been prior to that time registered), and makes an affidavit that he is a citizen of that precinct, and has resided there more than sixty days, then it is the duty of the registrar to authorize his name to be placed upon the registration lists?

The WITNESS. Do you speak now of American citizens?

COUNSEL. Yes, sir, certainly; of American citizens.

The WITNESS. Yes, sir; he would have to convince the registrar, of course, that his statement was correct; that he did reside, as he stated, and had lived there the time specified by him.

Q. That brings us back again to the other question. What means outside of his own affidavit has he of convincing the registrar; in other words, what testimony does the registrar require beyond the simple affidavit of the man presenting himself to vote?—A. I don't believe he requires any.

(Mr. Donovan, counsel for contestee, objects to all this testimony on the ground that it is calling for the witness's opinion of the statute.)

Q. What becomes of this registration which is made by this registrar on the day of election? What becomes of those books?—A. They are returned to me, the recorder of voters.

Q. What does that registration book show?—A. It shows that the registrars have registered certain parties.

Q. Does it show whether those parties voted or not?—A. Yes, sir. Now, I am not positive about that.

Q. Does it show the residence of these parties who presented themselves for voting?—A. Yes, sir.

Q. Does it show for whom they voted?—A. No, sir; I don't know that it shows whether they voted or not.

Q. Please ascertain the fact by an examination of your books, which you have here present with you.—A. I don't believe they would show it any how. Some of them may, and some of them may not. (At this point the witness makes an examination of a number of books in his possession, after which he replies as follows:) No, sir; they don't show it. In some cases they do. It is required that upon poll books, every name that voted shall have written opposite to it the word, "voted." I find on some of them here that such is the case; that is to say, where the word "voted" occurs; and in other instances it is not—it does not appear.

By Mr. DONOVAN:

Q. But you find that in many instances this requirement is not fulfilled?—A. No, sir; as the papers here show.

By Mr. POLLARD:

Q. Well, to be brief, some of these lists show that the voters voted and some do not?—A. Yes, sir.

Q. These lists take the place, do they not, of the poll books for these particular divisions?—A. Yes, sir.

Q. The poll books don't disclose the names of these voters either, do they?—A. That I can't say; whether that is written in the poll books or not; I never see the poll books after they go out of my possession.

Q. They are not required by law to do that, are they?—A. I think not, sir; I think this is all that is required, as I have already mentioned.

Q. Mr. Gonter, I want to ask you something about the machinery of registration between the ten days prior to the election and election day. What is required, and what is done by the authorities concerning the registration lists during those ten days prior to the election?—A. They are made up and put in shape for the judges.

Q. Are there any alterations or changes made in the lists during those ten days?—A. Yes, sir; there may be corrections.

Q. By whom are they made?—A. They are made either by myself or my deputy clerks.

Q. How are they made—on what evidence?—A. Upon the evidence of parties. If we know they have registered wrongfully, or they have given the wrong address, or if we have made a mistake and find that we have put them in the wrong districts, then these changes are made.

Q. Are these books kept in your hands during the whole of those ten days?—A. In the hands of myself and deputies.

11 Q. Are there officers called revisers?—A. Yes, sir.

Q. What are their duties?—A. Their duties are to go through their different wards, one being appointed for each ward, and find out whether the parties are residing at the address specified in the books.

Q. Is that their whole duty?—A. And to strike off all those who are not found in their proper place.

Q. What authority have they to place names upon those books?—A. I don't know that they have any authority to do that, except for the mutual accommodation of those who may wish to change their names from an old to a present place of residence—from one place to the other.

12 Q. But the law gives them no such authority as that?—A. They have authority to place on the books any name that I have improperly stricken off. If I have stricken off a man's name improperly he appeals to the board, and by them he can be reinstated.

Q. What do you mean by the board?—A. The board of revision.

Q. What is the board?—A. He is an officer appointed by the mayor—one from each ward—whose duty it is to canvass their respective wards and strike from the list all parties not legitimately on the list.

Q. Those are the revisers?—A. Yes, sir.

Q. Do they meet together as a board?—A. Yes, sir; they meet every day for ten days.

Q. What authority has any individual reviser in the board under the law?—A. They have the power, as I said before, to strike those names from the list.

13 Q. Well, what power contradistinguishes the individual reviser from the board of revisers?—A. He reports to the board; the board meets every afternoon; and he reports to that board during those ten days of which I have spoken, and the board takes action upon his report.

Q. Then, as I understand it, the individual has no authority to do anything more than to make a report to the board?—A. Yes, sir; that is all.

Q. Either to strike off or retain the name so reported?—A. Yes, sir; that is it, sir; that settles it.

Q. Does the law contemplate that this board of revision shall receive any evidence except from the report of the individual revisers?—A. Yes, sir; the law so specifies; any knowledge they may receive themselves, or any knowledge coming to the board.

Q. Does the law authorize the individual revisers to employ deputies?
—A. No, sir.

Q. Does it contemplate the employment of deputies?
(Mr. Donovan, counsel for contestee, objects to all these questions,
on the ground that the law will speak for itself.)

14 A. Well, that I couldn't say; I am not proficient in the law;
but I don't think the law so states.

Q. The law contemplates, does it not, that each reviser by his individual inquiry, shall ascertain whether or not the voter is properly a registered voter?—A. I am not prepared to answer that question; I don't know how they may construe the law.

Q. How do you construe the law?—A. Well, my personal view of the law my construction of it is that there is no provision made for a deputy.

Q. And you have studied the law carefully, I presume?—A. Yes, sir.

Q. Would not the law, in your judgment, based upon information which you have gathered by its workings, have a tendency to work harshly or badly were these individual revisers permitted to 15 employ assistants and deputies?—A. I couldn't answer that question. I don't know whom they may employ.

Q. I ask you, if it would not have a tendency, in your judgment, to operate harshly?—A. No, sir; I don't think it would.

Q. Then you mean to say, I suppose, that notwithstanding the law does not contemplate assistants, still its violation would not have a tendency to do harm?—A. There is nothing inconsistent in that. There is nothing said about their employing or that they shall not employ. There is nothing there to prohibit them from employing an assistant.

Q. And likewise authorizing them to appoint an assistant?—A. No, sir.

Q. In regard to this special registration; I will ask you another question, please, whether, in your judgment, the law as it now stands 16 does not open the door to a great deal of fraud and wrong?—A. That is my opinion.

Q. In what regard?—A. That it would permit men to vote at various districts.

Q. Any other regard?—A. Well, no; I think that is sufficient.

Q. And likewise defective in this regard, that it would open the door to a man who was willing to swear to an untruth in order to become registered?—A. Yes, sir.

Q. There not being ample opportunity for this registrar to examine his case at the time?—A. No, sir.

Q. Does it, in a large measure, according to your observation and experience, nullify the good effect intended by the registration law?—A. I think so.

Q. Why? In what regard?—A. Because it throws the door open for fraud.

Q. In permitting men, as I understand you, to register themselves 17 who are not really entitled to vote in such precinct, by not giving this registrar an opportunity to investigate the fact of their qualifications?—A. Yes, sir; that is true.

Q. Does the ten days given to this board of revisers afford them ample time to do their work fully and carefully?—A. I should think not.

Q. Do you know how many names were stricken from the registration lists this last election in this city by the board of revisers?—A. Yes, sir.

Q. How many?—A. There were over twelve thousand (12,000).

Q. How many were registered prior to their striking these names off?—A. That I couldn't say. I couldn't tell the exact number; there are so many registered and transferred that it would be impossible to keep an account of them.

Q. About how many; if you can tell that?—A. I couldn't 18 tell you that; it is hard to say. When a man transfers it is looked upon as almost a new man.

Q. Do you remember what proportion of the names these revisers struck from the whole list?—A. I expect about one-sixth or one-fifth.

Q. Then there were in the neighborhood of sixty thousand names registered?—A. Yes, sir.

Q. And that work all had to be done, as contemplated by law, by one man for each ward, in ten days?—A. That is the reading of the law; yes, sir.

Q. How many voters are there in the largest ward registered; about how many?—A. I think there is one ward having forty-eight hundred and some odd.

Q. Running from that down to how few?—A. Less than two hundred.

Q. Could the registrar, by the exercise of the most extraordinary diligence, in ten days, carefully and justly revise a list of 19 4,800 voters?—A. I don't think he could.

Q. Does not then the law in regard to the revision of the registration lists have a tendency to work injustice, and to nullify in a measure, the objects intended by the registration law?—A. No, sir; I don't think so. I think if they get around as far as they can, and possibly have more time they would be able to strike more names from the list, or *vice versa*.

Q. Does it not do the town and the city an injustice when they leave men's names on who are not entitled to vote?—A. That may be; that I couldn't say, whether it was an injustice or not. I should have no doubt that leaving men's names on that should be off works injustice in some measure. But not finding time, they must necessarily omit them from personal inspection.

20 Q. These lists which you have show only the names of those registered on election day?—A. Yes, sir; that is all.

Q. The presumption is, is it not, that every man who takes the trouble to register voted whether the list shows it or not?—A. No, sir; I think the list would have to show it.

Q. Then, those lists which show a large number of registered voters on that day, and do not show whether or not they voted, you infer that they did not vote?—A. I infer that every man on the list did vote.

Q. That is what I supposed.—A. Yes, sir.

Q. Whether he is marked "voted" or not?

Mr. DONOVAN. We object to all these questions as calling for opinions of the witness.

By Mr. POLLARD:

21 Q. Doesn't the law contemplate and require that these registrars shall sign these lists which are produced?—A. Yes, sir.

Q. Have they done so in each of these instances?—A. No; not in all cases.

Q. Have they in any other regard failed to do what the law requires they should do?—A. No; I think not.

Q. With reference to their actions on that day?—A. I think not. I think that is the only thing they have failed to do in some cases.

Q. Were those registrars all sworn, as the law prescribes?—A. That I could not say; they are not signed as having been sworn.

Q. Then the lists show that in many instances, do they not, they were not properly sworn?—A. They do not show that they were sworn.

Q. Whether they were or not, you don't know?—A. No, sir. For instance, there is one to which there is no name attached at all. (Witness hands counsel one of the registration books.) The registrar's 22 name doesn't appear there, nor by whom he was sworn in, if he was sworn in at all; that doesn't show here.

Q. Are there any others similar to that?—A. Yes, sir.

Q. What proportion?—A. Well, I couldn't say; there are a great many here which I would call improperly signed.

Q. Have you the lists of all the precincts in the city in the third Congressional district with you here?—A. No, sir; there are some that failed to return them to me; four or five of them are in the hands of the United States district attorney, belonging to the third Congressional district.

Q. How large a number failed to make any returns to you at all?

WITNESS. In that district, do you mean?

COUNSEL. Yes, sir.

A. That I couldn't tell you; I think there were some fourteen or fifteen in the whole city.

Q. Can you tell the numbers of the election precincts for which 23 registration books were failed to be returned to you?—A. I could if I was in my office; I kept the list of those; I don't recollect now what they were.

Q. I will ask you whether the registrar must be a qualified voter in the precinct in which he serves?—A. No, sir.

Q. He need not be?—A. No, sir; that is not so stated.

Q. Must he be a qualified voter of the city?—A. I think that is correct.

Q. And as to the judges of the election; must they be qualified voters of the precinct in which they serve?—A. Yes, sir.

Q. And how about the clerks; are they required to be qualified voters of the city and precinct in which they serve?

Mr. DONOVAN. We object to all this evidence on the same ground as heretofore stated, to wit, that the statute speaks for itself.

WITNESS. I am not certain with regard to clerks.

By Mr. POLLARD:

24 Q. Please look at your registration list for precinct number 38, and state whether that is in the third Congressional district.—A. Yes, sir.

Q. Please state whether or not the name of John Devine appears in that registration list, and does it give his residence?—A. Yes, sir; it appears here; residence, 305 O'Fallon street.

Q. Does the registration list show the name of William O'Connell?—A. Yes, sir; it appears here.

Q. What is his residence as there given?—A. 1541 North Main street.

Q. Can you tell, from your recollection, whether 1541 North Main is in precinct 38?—A. No, sir; I cannot.

Q. Now, please turn to the registration list for precinct 39!—A. We haven't got that here, sir.

Q. Then, please turn back to registration list 38, and see if the 25 name of John Barnes appears on that list?—A. Yes, sir; it is here.

Q. What is the residence as given there?—A. Number 18 Bates street.

Q. Please see if you can find in that same list the name of E. Hotchkiss.—A. I find no such name here.

Q. See if the name of Theodore Cleny appears on that list.

WITNESS. Do you mean Theodore Cleny?

COUNSEL. Yes. What is his residence there?—A. 1425 Collins street.

Q. See if you can find the name of Robert Barry on that list?—A. Yes, sir; he is here.

Q. Please state his residence.—A. 1511 North Main street.

Q. Do you find the name of Frank Foster on that same registration list?—A. Yes, sir.

Q. And what is his residence?—A. 1318 Broadway.

Q. Now, Mr. Gonter, please turn to registration list, precinct 41, if you have it.—A. Yes, sir; I have it here.

26 Q. Do you find the name of William C. Irvin on that list?—A. Yes, sir.

Q. What is his residence given there?—A. 616 Biddle street.

Q. Please look for the name of Levi Westinghouse; see if it appears on that list.—A. Yes, sir; he is here.

Q. Give his residence, please.—A. 1100 North Sixth.

Q. Is the name of Marler Flaherty on that list?—Yes, sir; it is here.

Q. What residence is given for him?—A. 19 Foster street.

Q. I wish you would now see, please, if you have registration list with you for precinct number 42; and, if so, please look for the name of James M. Farris—I don't know whether the M is crossed off or not.—A. Yes, sir; that is the name—James M. Farris, as it appears on this list.

Q. What is his residence given there?—A. 510 O'Fallon street.

Q. Now please look for the name of T. F. O'Donnell on that list.—A. Yes, sir; that is here.

27 Q. State the residence given.—A. 516 O'Fallon street.

Q. Do you find the name of John Grady in that list?—A. No, sir; no Grady here.

Q. Now, Mr. Gonter, have the kindness to turn to registration list for precinct 43, and, having done so, please see if you find the name of Edward Magee.—A. No, sir; but there is a Maginn here.

Q. That is the name—Edward Maginn. What is his address?—A. It is given here as 1429 Broadway.

Q. See if you can find the name of William Nerchart on that list?—A. I don't find that name here; but here is the name of William Merchant.

COUNSEL. That's right; that's what it is here. Where does he reside?—A. 1312 Broadway.

Q. Now please see if you find the name of John M. Heck in that same registration list.—A. Yes, sir; that name is here.

28 Q. As living where?—A. 521 O'Fallon street.

Q. Is the name of Stanley K. Flinn to be found on that list?—A. Yes, sir.

Q. Will you give his residence, please?—A. 619 O'Fallon street.

Q. Now look for the name of Edward James Ford.—A. Yes, sir; that name is here. His residence is given as 1408 North Sixth street.

Q. Now see if you find the name of William Dun.—A. Yes, sir. 1241 North Seventh street.

Q. Is the name of James Devine on that list?—A. Here it is.

Q. What is his residence?—A. 1325 North Sixth street.

Q. Please see if you can find the name of Mark Byrne.—A. Yes, sir; here it is.

Q. What is his residence?—A. 1411 North Seventh.

29 Q. See if the name of Louis Sweeny is on that list.—A. Yes, sir.

Q. And his residence, please?—A. 1438 North 7th street.

Q. How about George Hickey; does he appear on that list? WITNESS. There is a John Hickey.

Q. What is his address?—A. 1414 North 7th street.

Q. But no one named George Hickey?—A. Yes, sir; he is here too.

Q. What is his residence?—A. 1428 North 7th—in the rear of 1428 North 7th street.

Q. Now see if you can find the name of William McTash in that same registration list?—A. Yes, sir; here it is.

Q. Where does he reside?—A. 1317 Broadway.

Q. Now look for B. F. Machin?—A. B. F. Macashin is here.

Q. Where does he reside?—A. 1437 Broadway.

Q. Do you see the name of Peter Gibbins on that list?—A. Yes, sir; residence at 1327 North 7th.

30 Q. We will now turn back to registration list for precinct number 37, if you please; see if on number 37 the name of George F. Glass appears?—A. Yes, sir.

Q. What residence is given?—A. 1102 Broadway.

Q. Do you find the name of James J. Martin on that list?—A. Yes, sir.

Q. Where does he reside?—A. 1102 Broadway.

Q. Look for William Foster's name on that list?—A. Here it is; yes, sir.

Q. What residence?—A. 1244 Broadway.

Q. Please see if the name of William Foster again appears on that list?

(Counsel withdraws the question.)

A. I don't find it, sir.

Q. Look for the name, please, of John Cummisky?—A. Yes, sir.

Q. What is his residence?—A. 1240 Broadway.

31 Q. Now find the name of Julius Bamberg?—A. Yes, sir; it is here.

Q. Give his residence, please?—A. 1234, I think, Broadway; it is either 38 or 34, though I think it is intended for 34; you can make either out of it.

Q. See if you find the name of Webb Young on that list?—A. Yes, sir; here he is; lives at 1107 Second street.

A. It must be North Second, must it not, being in that precinct?—A. Yes, sir; North.

Q. Charles Pinley, is that name on that list?—A. Yes, sir.

Q. And where does he live?—A. 1214 Main street.

Q. Find the name, please, of Thomas Burke; see if that occurs on that list?—A. No, sir; I don't find that here, but Bluke is here.

Q. What is his residence?—A. 1250 Collins street.

32 Q. But you say there is no such name as Thomas Burke on that list?—A. No, sir.

Q. Find the name of John Donovan there, if you please?—A. Not found, sir.

Q. No such name as John Donovan appears on that list?—A. No, sir; it is not here.

Q. Now look for the name of Martin Kieffe on that list?—A. It is not on this list.

Q. Do you find the name of James Papin there?—A. No, sir; that is not here either.

Q. Please look for the name of Edward Creely?—A. That is here; yes, sir.

Q. Where does he reside?—A. 303 O'Fallon street.

Q. See if you find the name of R. B. Sheridan on that list?—A. Yes, sir; he is here.

Q. Where does he live?—A. 1128 Collins street.

Q. Is it 1128?—A. Yes, sir.

33 Q. Do you find the name of John Waddell on that list?—A. Not here.

Q. How about John Pedell, of 1118 Broadway?—A. I expect that is intended for it.

Q. Well, what is his residence?—A. 1118 Broadway.

Q. Do you find the name of William O'Brien on that list?—A. Yes, sir; he is here.

Q. Where does he reside?—A. 1300 Biddle—I guess it is 1300; there's a mark made here that looks somewhat like a figure one.

Q. Please see if the name of Thomas Dolan appears there?—A. Yes, sir; here he is.

Q. Where does he live?—A. 1121 North Levee.

Q. Please look at that list and see if you find the name of William Leunigan?—A. Yes, sir; he is here.

Q. Where does he live?—A. 1203 Collins street.

34 Q. See if you find the name of A. L. Tiernan?—A. Yes, sir.

Q. What is his residence?—A. 201 Ashley street.

Q. Do you see the name there of Robert M. Lowry?—A. It is a question whether it is Lowry or Long.

Q. Where does he reside? perhaps that will tell?—A. 1117 Broadway.

Q. Do you find the name of William Nickerson on that list?—A. Yes, sir; here he is; William Nickerson.

Q. What is his residence as given there?—A. 1249 Collins street.

Q. Please find the name of Edward Condon?—A. Yes, sir; he lives at 1254 Collins.

Q. Do you see the name of J. G. Griffin on that list?—A. Not here.

Q. Please look for the name of Patrick Nicholson?—A. Yes, sir; he is here.

Q. What is his residence?—A. 27 Ashley building.

35 Q. Now find the name, please, of Henry Friede?—A. I find no such name. There is a name here, but I can't make it out; I don't think that is the name.

Q. What does that name appear to be?—A. I can't make anything out of it at all.

Q. Has it or not any appearance of Frölich?—A. It has not.

Q. Is it Frolich?—A. No, sir.

Q. Give the residence of that name that you have there?—A. 1102 Broadway. It is hard to tell whether that is Broadway, but I expect it is.

Q. I wish you would now turn to registration list, precinct 39, and see if the name appears there of Pat Mohan.—A. There's a Patrick Money here.

Q. What is his residence as given there?—A. 1528 Broadway.

36 Q. That is not the party we are looking for. You are looking over registration list for precinct 39, are you not?—A. Yes, sir.

Q. And you find no Mohan on that list?—A. No, sir.

Q. Is it not the very first name on the list?—A. Oh, yes! here it is; you see it is out in the margin a little; it escaped my observation.

Q. Well, what is his residence?—A. 1541 North Second street.

Q. Do you find the name there of James Hane, or Hare—I don't know which?—A. Hane is the name.

Q. What is his residence?—A. 223 Howard street, I suppose.

Q. Now find the name, please, of Lawrence Knaibel.—A. I don't know whether you can make that out of this name or not.

Q. What is his residence?—A. 166 Broadway; but this is a mistake.

Q. What do you mean by that? You say it couldn't be 166? 37 You mean by that that 166 is not in this precinct?—A. No, sir.

Q. Now, please look for the name of Frank Tunicad?—A. Tengnagle is here.

Q. Where does he reside?—A. 214 Mound street.

Q. How about Mr. E. Hotchkiss? Is he on that list?—A. Yes, sir; living at 1546 Broadway.

Q. Is that 1546 Broadway?—A. Yes, sir; 1546.

Q. I think that must be 1346, but you think it is 1546, do you?—A. Yes, sir; it is 1546.

Q. Now please look for the name of James Papin.—A. No, sir; that name is not here. Here is Pipin.

Q. Well, what is his number; where does he live?—A. 166 Broadway.

Q. James Papin, then, is not there, but Pipin is there?—A. Yes, 38 sir; Pipin is here, but not Papin. The number is 166 Broadway.

Q. And that is not in that district, you say?—A. No, sir; unless it must be some mistake in the number. It is the wrong number, evidently, for you know the line commences at Market street and runs north and south; but he is registered here as at 166 Broadway.

Q. Now look for the name of F. W. Henoh.—A. That's what I call it.

Q. What is the residence?—A. 225 Mullanphy street.

Q. Do you find the name of Thomas Fay on that list?—A. I would say Foy.

Q. Thomas Foy, then; what is his number?—A. 221 Howard street.

Q. Please look for the name of S. D. Donahoe.—A. S. D. Donahoe; he is here, living at 1709 North Second street.

Q. Now, see if the name of John Drum, jr., appears in that list?—A. John Drum, jr., 1709 Second street.

Q. Will you please look for J. G. Griffin, if his name appears 39 here?—A. No, sir; he is not here.

Q. Now, look for the name, please, of Luke O. Maller.—A. L. O. Mahler is here; residing at 1613 North Second street.

Q. Is the name of Herman Hampy on that sheet?—A. Yes, sir.

Q. Where does he live?—A. 210 Mullanphy.

Q. Find the name of Pat. Hurg, please, if it is on that list?—A. Yes, sir; it is here.

Q. Where does he live?—A. 1548 North Second.

Q. Now, Mr. Gonter, will you be kind enough to turn to registration list for district 49, and see if you can find thereon the name of James Brennan?—A. Yes, sir; living at 1215 North Seventh street.

Q. Now, look for the name of Julius Gudejohn?—A. Yes, sir; he is here.

Q. And his residence?—A. 713 Biddle street.

Q. Now, look for Dan. Riordan?—A. Yes, sir; here he is.

40 Q. And his residence?—A. 713 Biddle street.

Q. Do you find on that list the name of Benjamin Taylor?—A. Yes, sir; 713 Biddle street.

Q. Do you see the name of William Shinn, or Sheehan, on that list?—A. Yes, sir; Sheehan is here.

Q. Residence is where?—A. 1227 North Seventh street.

Q. How about William Horan; is he there?—A. Yes, sir; that is here.

Q. What is his address?—A. 1227 North Seventh street.

Q. Now, you may turn, please, to registration-book number 50, and find the name of Edward Murphy, if it is on that list?—A. Yes, sir; it is here.

Q. What residence?—A. 1418 North Seventh street.

Q. Will you please find William Malone on that list?—A. Yes, sir; William Maloney; here he is.

Q. What residence?—A. 1317 North Eighth street.

Q. Now, look for Arthur McKevine; is he on that list?—A. Arthur Mc—, I can't read it.

41 Q. How do you spell it?—A. I should spell it K-e-a-n-e—Arthur McKeane.

Q. What is the address?—A. 1317 North Seventh street.

Q. You think it is McKeane?—A. Yes, sir.

Q. Now look for the name of John Welsh on that list?—A. Yes, sir.

Q. Where does he reside?—A. 1327 North Seventh street.

Q. Now, please see if you can find the name of Mat. Haher on that paper.—A. Yes, sir; that's correct. He lives at 1314 North Eighth street.

Q. Is the name of James Garvey on that list?—A. James Garvey, 1400 North Ninth street or 1408, I believe it is; I should judge it to be 1408 North Ninth street.

Q. How about Thomas Welsh; does his name appear there on that list?—A. Thomas Welsh; his residence is 1319 North Eighth street.

Q. Now, look for the name of L. W. Whitney. Do you find it on that list?—A. L. W. Whitney; yes, sir; 812 O'Fallon, rear.

42 Q. Now, please turn, Mr. Gouter, to registration book for precinct 52, and see if you can find the name of John Riley.—A. Yes, sir; John Riley; here he is.

Q. What is his residence?—A. 1237 North Ninth street.

Q. And, now, please look for John Parin.—A. Pairn is here.

Q. What is the residence?—A. 918 Cass avenue.

Q. Do you find the name of John Whalen or Wheelin on that list?—A. I find Whelan here.

Q. What is his residence?—A. 901 North Ninth street.

Q. Now, I will ask you to turn to registration list for precinct 72, Mr. Gouter, please, and find the name of John Dorsey.—A. Dorsey; here you are.

Q. Residence?—A. 2223 North Tenth street.

Q. Now, please turn to registration-list psecinct 83, and see if you can find the name of Randall Slack there?—A. Here it is.

43 Q. Give us the residence.—A. 822 Buchanan street.

Q. Please turn to book 84, now, and look for the name of Randall Slack on that book.—A. No, sir; it isn't here. That was on list number 83.

Q. I will have to ask you to turn back to 83 once more and look for the name of Frank Sherer.—A. Yes; here he is.

Q. What residence?—A. 3238 North Tenth street.

Q. Now, we will go back to 84, if you please. See if you can find

there the name of Martin Doherty. No, you need not look for that. I am just informed that it is not a special registration. But you may look on that list for the name of Thomas Morris.—A. Yes, sir; that name appears here.

Q. And his residence is what?—A. 3409 North Ninth street.

Q. Please look for James Woodson. Is he on that list?—A. Not here. Yes, he is here; I have found him.

Q. What is his residence, please?—A. 3505 Broadway, rear.

44 Q. Now, please turn to book 71 registration-list, and see if you can find the name of John Mahoney on that paper.—A. Yes, sir; Mahoney is here.

Q. What is his residence?—A. 315 Benton street.

Q. Now we will ask you once more to go back to book 73, and see if you can find there the name of John Mahone or Mahoney.—A. Here is John Mahoney, but it has been stricken off, with a note opposite, "Not in the district."

Q. What is his residence, as given there?—A. The number is first taken for 815, but he is stricken out from that district; didn't vote there. That's a note by the registrar.

By Mr. DONOVAN:

Q. You say he did not vote there?—A. No, sir; he did not, according to this. You see, there is a memorandum here by the registrar.

Q. Is that in district 73?—A. Yes, sir.

By Mr. POLLARD:

45 Q. Now, please look for the name of Samuel Ales.—A. Samuel Ales, 922 Warren street.

Q. Will you now please turn to list 75.—A. All right; here we are.

Q. Please see if you can find the name of Dan. Kilahan.—A. I don't pretend to say what that name is.

Q. What is the residence?—A. 2905 Broadway.

Q. State whether it looks like Kilahan?—A. Oh, yes, it looks something like it; still I would not like to call it so.

Q. You say the residence of that last one is 2905 Broadway?—A. Yes, sir; 2905 Broadway.

Q. Now, please look for William Cornwell.—A. William Corwell is here.

Q. And the residence given there is what?—A. 3001 Broadway.

Q. Please look for William H. Loen, 3025 Broadway.—A. There is a man here named Loew.

Q. What is his residence? William H., is it?—A. Yes, sir; 3035 Broadway, rear.

Q. The next name I wish you to look for is E. Harrington.—A. I don't find his name here.

46 Q. You don't find his name?—A. No, sir; not found.

Q. Is there no Harrington on that list?—A. No, sir; no Harrington.

Q. Now, I wish you would go to book 85, registration list, and see if you find the name of Joseph L. Rucks.—A. Yes, sir; it is here.

Q. What is his address?—A. 3709 Broadway. E. Herrington is here, but not Harrington.

Q. What is his number?—A. On Broadway, between Montgomery and Spring streets.

By Mr. DONOVAN:

Q. Do you mean to say he is in precinct 85?—A. No, sir; I wouldn't say that. It says here on Broadway, between Montgomery and Spring. No, sir; that would be in book 75.

By Mr. POLLARD:

Q. Now we go back again to book 85, if you please, Mr. Gonter; see if you can find the name of Michael Connor in that list.—A. Yes, sir.

Q. What residence?—A. 3709 Broadway.

47 Q. Do you find Michael Gormley on that list?—A. Mike Gormley; yes, sir.

Q. And his address is what?—A. 712 Ferry street.

Q. How about George Green? Is he there, too?—A. Here you are; all right.

Q. Give his residence, please.—A. 812 Bremen avenue.

Q. Now look for the name of A. Meredith.—A. Here is A. Meredith.

Q. And his residence?—A. He is registered at Bremen avenue only; no number; the number is blank.

Q. I will ask you to turn back to book 83 for one minute and see if you can find the name of James Hough.—A. Yes, sir; it is here.

Q. And what is the residence?—A. 3301 Broadway.

Q. Now you may turn to book 86, if you will, and look for the name of Patrick Quirk.—A. No such name here. There is a John A. Van Quirk here.

48 Q. We don't want John A. Van Quirk. Please look for the name of Patrick Mylan.—A. Yes, sir; he is here; northwest corner Ferry and Main streets.

Q. Can you find the name of Thomas Hamilton on that list?—A. Yes, sir; he is here.

Q. Where does he reside?—A. 826 Penrose street.

Q. All that is in 86?—A. No, sir; in book 83.

Q. Now please look for the name of John L. Dudley.—A. Here he is; John L. Dudley.

Q. And his residence?—A. 3229 Broadway.

Q. It is 3229, is it?—A. Yes, sir; there is a correction, I find, made in that; I suppose it is intended for a witness. 3229 Broadway is the right number.

Q. Is it 3229?—A. Yes, sir; 3229.

At this point a recess was taken until 2 o'clock p. m.

49

AFTER RECESS.—2 p. m.

Parties present as before, and the witness, Mr. Gonter, resumes his examination-in-chief, as follows, to wit:

By Mr. POLLARD:

Question. I wish you would now please turn to special registration list number 83 once more, and see if you find thereon the name of William Parkenson?—Answer. Yes, sir.

Q. What is the residence, please?—A. 3231 Broadway.

Q. Now, then, please turn to special registration list, precinct 84; I want to ask you about a certain name there. See if the name of William Lanigan appears on that list. It is 298 in the column.—A. Yes, sir; here it is.

Q. What residence?—A. 3617 Broadway.

Q. Now, sir, if you will turn to special registration list, precinct 117, and see if you find thereon the name of Patrick J. Maloney, I will be obliged.—A. Yes, sir; 1005 North Eleventh street.

Q. Please turn now to special registration list for 121, and see 50 if the name of James Wilson appears on that list. See if you find on that book the name of James Wilson?—A. Yes, sir.

Q. What is his residence?—A. 1216 North Sixteenth street.

Q. Now look for the name, please, of Michael McInery?—A. Yes, sir.

Q. What residence, please?—A. 1515 Biddle street.

Q. Now, see if you find there the name of James Martin?—A. Yes, sir.

Q. What residence?—A. 1222 North Seventeenth street.

Q. Also look for the name of John McDonough?—A. Yes, sir; it is here.

Q. What residence?—A. 1624 North Seventeenth street.

Q. Is there another man named John McDonough on that list? Are there two John McDonoughs on that list?—A. No, sir.

Q. Now I will have to go back again to special registration list 51 for precinct 120. See if you find the name there of John Moseley? —A. Yes, sir.

Q. What is his residence?—A. 1114 O'Fallon street.

Q. He is the only John Moseley there, is he?—A. Yes, sir; the only one.

Q. Please look for the name of Charles J. Mamarier; 1221 North Twelfth street is the residence, I believe?—A. That's the name, I suppose.

Q. What is the residence?—A. 1221 North Twelfth street.

Q. Now, please turn to special registration list, precinct 122, and see if you find the name of Martin Truman, residing at 1237 North Seventeenth street?—A. Yes, sir; he is here.

Q. What is the residence?—A. 1237 North Seventeenth street.

Q. See if you find on there the name of Martin Callahan?—A. Yes, sir.

Q. What name is there immediately under that?—A. There 52 is a name here that looks like Friedrich Helbroth. It is written in German; I couldn't tell you what it is. I can't read it.

Q. Please see now if you find the name of Cornelius McCarty?—A. Yes, sir.

Q. Residence?—A. 1617 Biddle street.

Q. Do you see also the name of W. F. Coulter?—A. Yes, sir; 1627 Carr street.

Q. Now look for the name of C. J. Jare?—A. I don't know whether it is Jare or Zare; Jare, I expect.

Q. Please look for the name of Thomas McDonald?—A. 1015 North Seventeenth street; you called for Thomas, did you? This is Charles, though.

Q. Very well. Charles McDonald; what is his residence? See first if there is a Thomas, too.—A. No, sir.

Q. This Charles McDonald is 1015 North Seventeenth street. Is 53 that the way in which it stands on that list?—A. Yes, sir.

Q. Now, please turn again to special registration list, precinct 123, and see if you find the name there of Con. McHugh?—A. Yes, sir.

Q. What residence?—A. 1937 Division street.

Q. Now look for the name of James Nelson?—A. Yes, sir; 2021 Division.

Q. And also for the name of Charles H. Redfern?—A. Yes, sir.

Q. What residence?—A. 2019 Division.

Q. See if you have the name of H. Limerick?—A. 2111 Division street. Yes, sir; I have him here.

Q. Also the name of Albert B. Charton?—A. Yes, sir; 2122 Biddle street.

Q. Have you the name of Patrick Muldoon?—A. Yes, sir; 2129 Biddle street.

Q. See if you have the name of Horace W. Jester?—A. The residence here is 2016 Carr; this is not Jester, though; this is Jeter.

54 Q. See if you have on that list the name of John Newell?—A. Yes, sir.

Q. What residence, please?—A. 2023 Biddle street, I believe.

Q. Now, see if you have the name of Andy Burns on that same registration list?—A. Yes, sir.

Q. What residence?—A. 1121 North 21st street.

Q. Have you the name also of Theodore Bucklin?—A. Yes, sir; 1121 North 21st street.

Q. Now, see if you have the name of Alfred Henewen on that same list?—A. Yes, sir. Wait a moment; it is Herley here.

Q. What is the residence?—A. 1104 North 21st street.

(At this point the contestant dismisses for the present the witness, and refuses to permit his cross-examination at this stage, because he, said contestant, proposes further to examine him, desiring now to 55 call another witness for the sole purpose of expediting these depositions.

The counsel for the contestee objects to this mode of procedure, and states that he desires to cross-examine the witness at this time.)

RICHARD WALSH, produced, sworn, and examined, on the part of the contestant, deposeth and saith as follows, to wit:

56 Direct examination by Mr. LYNE S. METCALFE, jr.:

Question. Will you please state your name, sir?—Answer. Richard Walsh.

Q. State your occupation.—A. Register of the city of St. Louis.

Q. How long have you been register of the city of St. Louis?—A. Well, I guess pretty near eight years now.

Q. Will you state what are your duties in reference to the poll books used on election day by the officers in the polls?—A. Well, the poll books used on election day are returned to me by the judges and clerks of the election, when the election closes.

Q. Can you state whether or not the poll-books of the election held on the second day of November, 1880, in the third Congressional district, were returned to you?—A. Yes, sir; they were returned to me.

Q. Have you them with you?—A. Yes, sir.

Q. Will you please turn to poll-book thirty-seven, of the Fourth ward first?—A. Yes, sir; here it is.

Q. State what it is you have in your hand, Mr. Walsh?—A. I have poll-book number 37, for election held November 2d, in the Fourth ward.

57 Q. State whether that is the official poll-book used by the judge on the election day at that precinct?—A. Yes, sir; this is the official book.

Q. State whether or not there are opposite the names on that poll-book the word "voted" or otherwise; whether or not parties voted.—A. Yes, sir; it is marked "voted."

Q. Will you be kind enough first to state to us—give us the names of the parties who acted as judges of election on that day?—A. Patrick Coughlan, Reinhold Rapp, John J. Graham, and Dan. L. Mulcahe.

Q. The names of the clerks, please?—A. Simon Jordan and G. H. Scharlmann.

Q. Now, Mr. Walsh, will you be kind enough to look on the first page of names on that poll book, beginning with the first name, look down

the sheet and state as you go along what the names of the people are opposite whose names does not appear the word "voted." Calling them over as you see them. The names of those parties opposite whose names the word "voted" does not appear?—A. Martin Ball, 1216 Collins street.

(Mr. Donovan, counsel for contestee, objects to this testimony on the ground that the book is the best evidence.)

By Mr. METCALFE:

58 Q. According to the official report of the judges that party did not vote?—A. No, sir.

Q. Now look down and state any other names as you find them there, and just go on, Mr. Walsh, without any further questioning.

H. C. Bibbon, corner of Biddle and Levee.

George Babb, 1122 Broadway.

James C. Brady, 1128 North Second street.

William Burns, 1254 Collins street.

Dennis Butler, 210 O'Fallon street.

Michael Byrne, 309 Ashley street.

Michael Byrne, 1254 Collins street.

Daniel Callaghan, 170 Biddle street.

John Cannon, Collins and Ashley streets.

Thomas Casserly, 1222 Collins street.

Patrick Clarke, 1137 North Second street.

Pat. Coleman, 300 Biddle street.

Michael Conway, 300 Biddle street.

E. J. Coyle, 1210 Broadway.

Thomas Coyne, 207 Ashley street.

Dominick Cummings, 1120 North Second street.

James Curran, 1219 Collins street.

Michael Curry, southeast corner Broadway and Biddle streets.

Dan. Daily, southeast corner Second and Biddle streets.

59 Q. These are the names of the parties who did not vote. These are parties marked not "voted"?—A. I don't know whether they voted or not.

A. J. Davis, 1224 Collins street.

James Davis, 1244 Collins street.

Lewis Davis, 311 Ashley street.

John Devine, 350 O'Fallon street.

John Dignan, 1220 Broadway.

Cornelius Dillon, 1205 Collins street.

James Dinan, 1233 Collins street.

Dominick Kenny, 300 Biddle street.

Lawrence Dunn, 1206 Broadway.

J. C. Eberhardt, 210 Biddle.

Chas. Elbe, 1200 North Main street.

John C. Fears, Biddle and Levee.

George Ferris, 1244 Broadway,

Patrick Finn, 300 Biddle street.

Timothy Finnerty, 1236 Collins street.

John E. Fitzpatrick, 1219 Collins street.

E. C. Fogerty, southwest corner Biddle and Levee.

Thomas Fogarty, 1228 Collins street.

William Foster, Ashley building.

John Gallager, 1132 North Second street.

Patrick Galvin, 1210 Broadway.

James Garvin, 1222 Collins street.

- Michael Gavan, 1214 Collins street.
 James Gorin, 1220 Collins street.
 60 James Gorman, rear 1239 Collins street.
 Michael Graham, 1206 Broadway.
 Charles Gunn, 112 Biddle street.
 A. Hamilton, Main and Biddle streets.
 Dan. Haugh, 1200 North Main street.
 M. Heffenan, 1130 North Second street.
 Frank Horn, 1130 Collins street.
 Wm. H. Hughes, Broadway Hotel.
 John J. Jennings, 1230 Collins street.
 Thomas Johnson, rear 1243 Collins street.
 John Joyce, 1206 Broadway.
 Edward Junget, 1254 Collins street.
 Lawrence Kane, 1224 Broadway.
 Bernard N. Keefe, 1220 Broadway.
 James Keegan, 313 Biddle street.
 Jacob Kemmerle, 1248 Broadway.
 Dominick Kennedy, 300 Biddle street.
 Andrew Killian, 1206 Broadway.
 George King, 1213 Lewis street.
 Thomas King, 300 Biddle street.
 Patrick Kinney, 300 Biddle street.
 Thomas Kirby, jr., 1124 North Second street.
 Bernard Kirk, rear 1239 Collins street.
 August Kraup, 1101 North Main street.
 Herman W. Krusius, room 22, Ashley building, southeast corner
 Broadway and O'Fallon streets.
 61 Michael Larney, rear 1237 Collins street.
 Thomas McCarthy, 1216 Broadway.
 Jas. McKellops, 1217 Collins street.
 Charles McKenna, 1233 Collins street.
 John McMillan, 1206 Broadway.
 Martin Meskel, 1218 North Collins street.
 Joseph Mieke, 304 O'Fallon street.
 John E. Morrison, 1130 Broadway.
 Jeremiah Murphy, 1214 Lewis street.
 W. J. Noonan, 1214 Lewis street.
 Con. O'Callahan, 1217 Collins street.
 William H. O'Connor, 210 Biddle street.
 Frank O'Hare, 1231 North Second street.
 Thomas J. Pendergast, 1206 Broadway.
 John Piddell, 1208 Broadway.
 Henry Pillep, 1236 North Fifth street.
 James Powers, 1126 Collins street.
 Morris Powers, 1201 North Second street.
 William Raake, 1240 Broadway.
 N. M. Robinson, Broadway House.
 John Rooyakkers, 2258 Broadway.
 R. P. Sawyers, 1214 Lewis street.
 Henry Seep, 300 O'Fallon street.
 James Sheridan, Second and Biddle streets.
 William Shiering, 1220 Broadway.
 Lucas Shottmueller, 1008 Broadway.
 62 Jacob Siler, 1242 Broadway.
 William Stienrook, Second, between Ashley and Biddle streets.

Valentine Stocks, 1109 North Second street.
 John Stratman, 13 Biddle street.
 Fred. D. Strudel, 1210 Broadway.
 John Sullard, 1214 North Main street.
 George W. Thomeasen, 1128 North Second street.
 William Trackler, 1128 Collins street.
 H. G. Trogdon, 1225 Collins street.
 Abraham W. Vrendenburg, Ashley building.
 Matt. Walsh, 1135 North Second street.
 Frank J. Walter, 1110 Broadway.
 William Watson, 312 Ashley street.
 Frank G. Weidig, 1213 Lewis street.
 Dominicus Weiners, 1228 Collins street.
 Robert Whalen, 300 Biddle street.
 Thomas S. Willes, 1222 North Fourth street.
 Nicholas Wood, 1214 Lewis street.
 John Wright, 1112 Broadway.
 Nathaniel Xander, 1246 Collins street.

The law requires the special register to furnish a copy of the special registration to one of the clerks of the election in that precinct, and that clerk is required to make a copy of the same in the poll-book.

MR. POLLARD:

63 Q. These names which are written appear to be the names of those voters who registered on the day of election?—A. Yes, sir.

Q. They were on there when this book was presented to you?—A. Yes, sir.

Q. They were put there, presumably, in compliance with that statute which requires the clerk of election to place them there?—A. Yes, sir.

Q. Then they are correct and exact copies of those special registration lists now held by Mr. Gonter?—A. Yes, sir; supposed to be correct lists of those.

Q. You say they are correct copies?—A. Yes, sir.

Q. But different only in this regard, that these are not the signatures of the voters?—A. No, sir.

Q. They are copied there by the clerk?—A. No, sir; the clerk puts them in, and they are not signed by the clerk.

Q. And only those are there who voted?—A. That is all, sir.

Q. These names which you have just referred to as being written in the book are the names of those who have voted, are they not?—A. Yes, sir; they are marked "voted." Those written names are all marked voted on the poll book.

Q. Whereas the names which precede these, and which you have called off, are the names of those who did not vote?—A. Yes, sir.

Q. In that precinct?—A. Yes, sir.

By Mr. METCALFE:

Q. Mr. Walsh, will you turn to poll book of precinct thirty-eight, Fourth ward?—A. Yes, sir.

Q. Will you please read off from that poll book the names of those parties opposite whose names the word "voted" does not appear? Will you be kind enough first to give us the names of the judges and clerks of election at that precinct?—A. The judges are Owen Lamb, William Hunt, Frank J. Pale, and John Fisch, and the clerks—there is only one clerk who acted in this precinct, and his name is John P. Donohoe.

Q. Will you be kind enough to call off the names of those who did not vote?

65 **Mr. DONOVAN:**

Before the witness proceeds to answer that question I intend here to object, on the ground that the testimony is irrelevant and immaterial, and incumbering the record in this cause with the most useless matter.

Mr. METCALFE:

Q. Will you call off the names, Mr. Walsh?

A. Zacharias Bauer, 107 Bates street.

John Betsch, 103 Bates street.

H. M. Bledsoe, 1437 Collins street.

Thomas Bohey, northeast corner Main and O'Fallon streets.

Henry Boothe, 1323 North Second street.

George Boler, 1400 North Collins street.

Edward Bonecum, 1426 Collins street.

John Boyd, 306 Florida street.

John R. Brown, 1311 North Second street.

Thomas Buark, 1312 Collins street.

Edward Butler, 1540 Broadway.

William Butler, 1314 Broadway.

Edward Carey, 1426 North Second street.

Joseph Cartlett, 1328 Broadway.

Martin Carey, 1551 North Second street.

Charley Lee, 1442 Broadway.

Christopher Clancey, 1529 North Main street.

Mich'l A. Corbett, 1412 Collins street.

66 **George H. Cornelius, 107 Bates street.**

Chas. Coyle, 23 Bates street.

Dennis Cremer, 1300 North Main street.

John Crowley, 1538 North Second street.

John Crowley, 1538 North Second street.

J. R. Dabbs, 1400 Broadway.

Patrick Dacey, 1360 North Main street.

William Darby, 1432 North Second street.

Patrick Derick, 1440 Collins street.

Aaron Devault, 1306 Collins street.

Patrick Dolan, 1548 North Second street.

Thomas Dolan, 141 Bates street.

Patrick Q. Donelan, 1412 Collins street.

James Donovan, 1448 Collins street.

T. V. Donovan, 1448 Collins street.

Patrick Doolan, 222 Florida street.

Samuel Dray, 1532 Broadway.

George Du Hadway, 1300 North Main street.

John Dwyer, 1404 Broadway.

Anthony Eagan, 1434 North Second street.

J. A. Feeney, 1432 North Second street.

Hannan Feitz, 1303 North Second street.

M. J. Finnegan, 1322 Collins street.

Michael Flanagan, 1507 North Main street.

Daniel Flugel, 1520 Broadway.

Henry Frolke, 1300 Broadway.

67 **Peter Funche, 1522 Broadway.**

Michael Garin, 1511 North Main street.

Mich'l O. Gearin, Cass avenue and Second street.

Fred. George, 1540 North Second street.
 Joseph Gerrott, 1314 North Second street.
 William Gleason, 1325 North Second street.
 Thomas F. Gleason, 1400 Broadway.
 Thomas Gorman, 1410 Collins street.
 Albert Grassmuck, 1308 Broadway.
 Augustus Gundlach, 1322 Collins street.
 Joseph Hallanan, 1330 North Second street.
 Dennis Haggerty, 1524 Broadway.
 John Harris, 1443 Collins street.
 Robert Heerde, 1410 North Main street.
 Christopher Herzog, 1316 Broadway.
 E. Hotchkiss, 1546 Broadway.
 Jas. M. Howard, northeast corner Bates and Collins streets.
 Jeremiah Hudson, 1438 Broadway.
 Joseph P. Humovich, 1300 North Main street.
 Jeremiah Hurley, 1436 Collins street.
 Christ. Inabnit, 1323 North Second street.
 John C. Jacobs, 1450 Collins street.
 Theodore Klingis, 20 Florida street.
 David Kellam, northeast corner Collins and Bates streets.
 John M. Kelly, 1311 North Second street.
 Martin Kiefe, 1437 Collins street.
 68 Patrick King, 1548 North Second street.
 Michael Kinney, 1511 North Main street.
 William Kinney, 1500 Front street.
 Carl Kirdler, 1327 North Second street.
 J. H. Kirtland, 1300 North Main street.
 John N. Klein, 1449 Collins street.
 Herman Koop, 1436 Collins street.
 Henry Kormeier, 1524 Broadway.
 Henry C. McCollum, 1514 Broadway.
 James McDonald, 1435 Collins street.
 P. McMahon, 1541 North Second street.
 John McNicholas, 1309 North Second street.
 James Mager, Collins, between O'Fallon and Bates.
 John Mauley, 1306 Collins street.
 James Manohan, 1440 Collins street.
 Frederick Mantei, 111 Bates street.
 William Martin, 1303 North Second street.
 William Mathew, 1410 Collins street.
 George H. Meyer, 1448 Broadway.
 Fred. Mintie, 111 Bates street.
 Edward Mulligan, 1303 Collins street.
 Michael Mynehan, 1416 North Second street.
 Patrick Nolan, 1536 North Second street.
 Michael O'Connors, corner Cass avenue and Collins street.
 Daniel O'Keefe, 1448 Broadway.
 Michael O'Malley, 1434 North Second street.
 69 James J. O'Neill, 1533 North Second street.
 Edward Owings, 300 Cass avenue.
 Albert Parham, 308 Cass avenue.
 John Powers, 1415 North Second street.
 John Ragan, 1300 North Main street.
 Peter Reed, 1419 North Main street.
 Simon Reiter, 1316 Broadway.

B. F. Reno, 1450 Collins street.
 Joseph C. Robinson, southeast corner Bates and Collins streets.
 Stephen Roche, Second between O'Fallon and Bates streets.
 Robert Rosach, 1519 North Main street.
 John Ryan, 1429 North Second street.
 Henry Tachs, 1300 North Main street.
 Charles Schul, 1448 Broadway.
 Arnold Schultz, 1304 Broadway.
 Michael Shurlock, rear 241 O'Fallon street.
 Wilhelm Singelaub, 1318 North Second street.
 Edward F. Siradie, 1452 Collins street.
 Hugh B. Smith, northwest corner Collins street and Cass avenue.
 R. H. Sofer, 1520 Broadway.
 F. W. Spilker, 1300 Collins street.
 Alex. Stremmel, 1312 Broadway.
 Dennis J. Sweeney, 1415 North Second street.
 T. Velter, 1445 Collins street.
 Richard Walsh, 1301 North Second street.
 John Wash, 21 Bates street.
 70 F. G. Weidieg, 1400 North Main street.
 Michael Whelan, 1427 North Second street.
 William Williams, 1432 North Second street.

By Mr. METCALFE:

Q. Those names which you have read off, Mr. Walsh, are those the names of parties in that precinct who registered, but opposite whose names does not appear the word "voted?"—A. Yes, sir.

Q. There is also, following the general registration which is printed in that precinct, another list of names; what do you see there; what do you find there?—A. I find a lot of names here and figures in front and rear, but not the word "voted."

Q. Do you find the names written or printed?—A. They are written.

Q. What do they purport to be; what are they; what do you understand them to be?—A. I understand they are a copy of the special registration at that precinct on that day.

Q. Made under the law by the clerks?—A. Yes, sir.

Q. As you testified to in reference to the other polls?—A.
 71 Yes, sir. But I see missing on this the word "voted;" that is not marked there.

Q. Take poll book of precinct thirty-nine; will you please give us the names of judges and clerks in that precinct, thirty-ninth precinct, fourth ward?—A. There are only three judges and they are James Walsh, John J. Henze and Hugh Maginniss.

Q. Who are the clerks?—A. The clerks are George Hoddinghaus and Charles Kaeshoefer.

Q. Now, Mr. Walsh, will you read from that list the names of those voters opposite whose names the word "voted" does not appear; will you please read off the names of those who did not vote in that precinct on that day?

By Mr. DONOVAN:

I object, on the ground that the testimony is irrelevant and immaterial and incumbering the record in this cause with the most useless matter.

A. George W. Allen, 1807 North Main street. ¶

Sanford Ashby 1717 North Main street.

Joseph Bailey, 1717 North Main street.

- Joseph Bailey, 1717 North Main street.
 72 Alexander Batton, 1606 North Main street.
 August Baum, 1844 Broadway.
 Jacob Bauman, 30 East Mound street.
 Sander Bauser, 1600 North Main street.
 Joseph Bell, 1713 North Main street.
 Silas Bengman, 1600 North Main street.
 Lewis C. C. Boolson, 1818 Broadway.
 Samuel Bradshaw, 1818 Broadway.
 Edward Brown, 1620 Broadway.
 James Brown, 1600 North Main street.
 Sidney H. Bunting, 221 Howard street.
 Phillip A. Bury, 1532 Broadway.
 E. E. Cainan, 1807 North Main street.
 George D. Carpenter, 224 East Mound street.
 Patrick Carroll, 1544 North Second street.
 William Cereven, 323 Florida street.
 Timothy Collin, southwest corner Second and Mullanphy street.
 Samuel Comstock, 231 Howard street.
 Peter Conway, 1542 North Main street.
 William J. Cook, 1883 North Main street.
 Patsey Croak, 1509 North Main.
 Charles Crowley, 221 Howard street.
 Hugh Doherty, 1615 North Main street.
 Thomas Donlan, southwest corner Second and Mullanphy street.
 Andrew Donlon, 229 Mullanphy street.
 Stephen Dooley, 1842 North Second street.
 73 John Dorin, 1867 North Second street.
 John Dorsey, 1836 North Second street.
 Maurice Dowar, 309 Florida street.
 George Downey, 119 Florida street.
 Charles Drieke, 44 East Mound street.
 Richard Dritche, 1543 North Second street.
 James Dulin, 119 Mullanphy street.
 John Dunn, Second, between Howard and Mound streets.
 William Dunan, 228 Mound street.
 Thomas Eagen, 1846 North Second street.
 George Eddy, 308 Mullanphy street.
 Thomas Fahey, jr., 1538 Broadway.
 Charles Faylor, 1551 North Second street.
 John Feeherty, 309 Florida street.
 William Finkmeyer, 1701 North Main street.
 Frank R. Fischer, 315 Howard street.
 William Flanagan, jr., 220 Howard street.
 Martin Flynn, 1549 North Main street.
 Michael Flynn, 217 Howard street.
 Henry Foegeding, 1545 North Second street.
 Patrick Ford, 1516 North Second street.
 Charles Foster, 1600 North Main street.
 Francis Gehner, 1864 Broadway.
 John F. W. Gehner, jr., 1706 Broadway.
 74 Fred. George, 1540 North Second street.
 Julius Gerke, 1818 Broadway.
 Michael Goodwin, 1545 North Main street.
 Jas. D. Graham, north side Florida, between Main and Second street.
 William Gray, between Howard and Mound streets.

Michael Green, 309 Florida street.
 M. Hanlon, 312 Mullanphy street.
 Walter Harris, 1600 North Main street.
 Frank Hart, 221 Howard street.
 James Haynes, 212 Howard street.
 Charles Herbeck, 1543 North Main street.
 Fred. Huter, 209 Howard street.
 James Jackson, 311 Florida street.
 Samuel Johnson, 226 Mound street.
 J. V. Judkins, 1728 Broadway.
 Jos. Keeble, 1620 Broadway.
 John Keefe, 210 Mullanphy street.
 Hugh Keenan, 1545 North Main street.
 Martin Kerrawne, 1551 North Second street.
 Elijah Kimball, 1717 North Main street.
 Henry Klein, 112 Brooklyn street.
 Thomas Knapper, northeast corner Main and Mullanphy streets.
 Benjamin Lawrence, northeast corner Second and Howard streets.
 William Lee, 220 Mound street.
 George Leland, 1600 North Main street.
 Franklin Lewis, 315 Webster street.
 Ezekiel C. Little, 1700 Broadway.
 John Lynch, 233 Howard street.
 75 Martin Lynch, 1856 North Second street.
 Patrick McAneerny, 204 Mullanphy street.
 James McDermott, 218 Mullanphy street.
 Roger McDermott, southwest corner Second and Mullanphy streets.
 John McDonald, 1714 Broadway.
 Martin McGowen, 209 Florida street.
 McKee Richard McKenna, 250 Mound street.
 Joseph McKeenzie, 309 Florida street.
 A. McLaughlin, 1518 Broadway.
 Michael Mack, 312 Mullanphy street.
 Steward Mack, 1600 North Main street.
 T. P. Maddox, east side Broadway, between Boagy and Hempstead.
 John Maher, 1712 North Second street.
 John Makin, 1802 Broadway.
 D. J. Mallock, 1822 Broadway.
 Daniel Martin, southwest corner Main and Mound streets.
 W. L. Mathews, 1540 Broadway.
 George F. Meyers, 2207 North Ninth street.
 Henry Meyers, 1868 Broadway.
 Geo. W. Miller, 231 Mullanphy street.
 Lewis Morris, 1609 North Second street.
 James Morrison, southeast corner Broadway and Howard streets.
 James Muhle, 1600 North Main street.
 Daniel Mullen, 1547 North Second street.
 John F. Murphy, 1716 North Second street.
 Martin Murphy, 1810 Broadway.
 76 James Patrick Naughton, 1866 North Second street.
 Matthew Nimnow, rear 219 Howard street.
 Thomas Noonan, 1834 North Second street.
 David Norman, foot of Labeanie street.
 James O'Brien, 119 Florida street.
 William O'Connell, 1541 North Main street.

William G. O'Jemian, 222 Mound street.
 George Ochs, 1549 North Second street.
 William Peters, 315 Mullanphy street.
 Henry D. Phelps, 1709 North Main street.
 George F. Pierce, 1706 Broadway.
 Peter Quinn, 1710 North Second street.
 Peter Reed, 1700 Broadway.
 Joseph Reither, 1826 North Second street.
 William Rigney, 1721 North Second street.
 Kain Rollins, 1600 North Main street.
 Martin Ryan, 223 Mullanphy street.
 Thomas Ryan, jr., 223 Mullanphy street.
 George Schade, 218 Mullanphy street.
 Charles Schiere, 36 East Mound street.
 J. P. Schroeder, 118 Mound street.
 Michael Shannon, 1844 North Second street.
 Robert Shaw, 221 Mullanphy street.
 H. H. Shelton, 1710 Broadway.
 Edward Sieman, 1540 Broadway.
 Benjamin H. Singleton, 1546 North Second street.
 77 John Smith, 1600 North Main street.
 Peter Smith, 1546 Broadway.
 John Standing, 220 Mound street.
 James Sugrue, 1549 North Main street.
 Henry B. Tangeman, 1534 Broadway.
 Benjamin Thomas, 1600 North Main.
 P. H. Turner, 1546 Broadway.
 Simon Veeden, 1611 North 2d street.
 William Wagner, 2d, between Howard and Mound.
 Michael Walsh, 1426 North 2d street.
 Patrick Walsh, 208 Webster street.
 Thomas Walsh, 1546 North 2d street.
 Thomas Welch, 209 Florida street.
 William Welch, 1546 North 2d street.
 Perry Whalen, 1600 North Main street.
 J. G. Wharton, 302 Mound street.
 Lee Wilson, 1606 North Main street.
 William Wilson, foot of Labeaume street.
 Samuel Windsor, 1600 North Main street.
 Christ. Winter, River, between Brooklyn and Labeaume streets.
 Nicholas Woods, 223 Howard street.

By Mr. METCALFE:

Q. These names that you have read are the names of those in precinct thirty-nine of the Fourth ward who did not vote, according to the official report of the judges?—A. Yes, sir.

Q. Now will you look and see if there is any special list of registrations in that book?—A. There is none.

Q. Will you turn to precinct book number forty of the Fourth ward, and please tell us the names of the judges and clerks.

(Mr. Donavan, counsel for contestee, objects to the question as entirely irrelevant and immaterial, and as a useless encumbrance of the record.)

A. The judges are H. Gruenenwald, Henry Miller, and James F. Coyne, and there was only one clerk, Edward Ward.

Q. Now will you be kind enough to read off the names of the voters in that precinct who did not vote.

(Mr. Donavan, counsel for contestee, objects to the testimony on the ground that it is irrelevant and immaterial and encumbering the record in this cause with the most useless of matter.)

A. Henry Adams, 1005 Broadway.

William L. Adams, southwest corner Broadway and Carr street.

Ignatz Armbruster, 1005 North 6th street.

William Basedow, 1021 North 5th street.

79 Robert Baxter, 1020 North 6th street.

Frederick E. Bayer, 1015 North 6th street.

John Frederick Bergesch, 1028 North 6th street.

Henry Bork, 519 Wash street.

William Briggs, 1020 North 6th street.

Henry Broegelmeyer, 1010 North 5th street.

Thomas Byrnes, 1009 Broadway.

Frank Calile, 1011 North 6th street.

John Cannon, 1021 North 5th street.

Arthur Carigan, southeast corner 5th and Carr streets.

Mathew Carey, 1016 North 5th street.

Jeremiah Casey, 1023 North 5th street.

Tom Calley, 1012 North 7th street.

William H. Commons, 1020 North Fifth street.

James Cosgriff, 1001 North Fifth street.

Peter J. Coughlin, 1014 North Fifth street.

Charles Cox, rear 1004 North Seventh street.

Pliny Curtis, 1003 $\frac{1}{2}$ North Fifth street.

Louis Davis, 1008 North Sixth street.

David Dillon, 1025 Broadway.

Henry Dixon, 1006 North Seventh street.

John M. Eachirn, 1003 North Fifth street.

Henry Ellis, 1004 North Seventh street.

Owen Finnegan, 1016 North Sixth street.

Edward Fitzgerald, 1023 North Fifth street.

James M. Foster, 1008 North Fifth street.

80 Louis Gilmore, 600 Carr street.

Edward Gleason, 1038 North Fifth street.

Joseph Hamilton, 1008 North Sixth street.

E. J. Harrington, 1018 North Fifth street.

Benjamin Hays, 1018 North Seventh street.

George Heimberger, 1016 North Sixth street.

Jacob Herman, 1012 North Seventh street.

Charles Jackson, 1020 North Seventh.

C. C. Jackson, 1022 North Seventh street.

John C. Kelly, 605 Wash street.

William Kelly, 1020 North Sixth street.

Herman C. Koehler, 1019 North Sixth street.

Samuel Krebs, 1004 North Sixth street.

F. La Vaughn, 1018 North Seventh street.

John Legue, 1015 North Sixth street.

Jean Lewis, 1019 Broadway.

Jonas Lorash, 1020 North Sixth street.

Alex. McCartney, 1021 North Fifth street.

David McGrath, 1010 North Sixth street.

Samuel Mack, 1018 North Seventh street.

August Miller, 1017 North Sixth street.

J. H. Moore, 1001 North Fifth street.

Patrick Murphy, 1030 North Fifth street.

John Nepert, 1024 North Seventh street.
 Henry Oelerich, 1011 North Sixth street.
 J. F. Parson, southwest corner Broadway and Carr street.
 81 Fred. Peters, 1017 North Sixth street.
 J. M. Quirk, 1010 North Sixth street.
 John Redmond, 1023 Broadway.
 Martin Regan, 1021 North Fifth street.
 James H. Reynolds, 1018 North Fifth street.
 James J. Rice, 1021 North Fifth street.
 Ph. Robinson, 1011 North Sixth street.
 G. H. Sanders, 1023 North Sixth street.
 Geo. H. Sanders, rear 1023 North Sixth street.
 Victor Schleitner, 1004 North Sixth street.
 August Schmidt, 1007 Broadway.
 Walter Scott, 1025 Broadway.
 E. Sears, 1012 North Fifth street.
 John Shea, 609 Wash street.
 T. Shortell, 1007 North Sixth street.
 Cary Southworth, 1004 North Seventh street.
 George Stern, 1006 North Sixth street.
 Archibald Stewart, 1017 Broadway.
 Ike Stocks, 1022 North Seventh street.
 Joseph W. Thomas, 1003 North Fifth street.
 Jason Tilley, rear 1008 North Sixth street.
 David Tipton, 1020 North Sixth street.
 Peter Tivnan, 1025 Broadway.
 Henry Tolbert, 1008 North Sixth street.
 F. E. Tooley, 1010 North Fifth street.
 Lem. A. Tooley, 1010 North Fifth street.
 82 Hasen Turner, Western Hotel.
 Smith Turner, 613 Wash street.
 Thomas B. Vallette, 1016 North Fifth street.
 Christopher Vogt, 1006 North Seventh street.
 Samuel Waller, east side Seventh, between Wash and Carr.
 Edwin Waverly, 600 Carr street.
 Frank Welsh, 1003 Broadway.
 John S. Welsh, 1020 North Fifth street.
 H. A. Wessel, 1020 North Fifth street.
 Wm. J. Wilson, rear 1004 North Seventh street.
 George Williams, 1004 North Seventh street.
 D. A. Wood, 617 Wash street.

By Mr. METCALFE:

Q. State whether or not that book contains a list of those who registered on the day of election?—A. No, sir; that does not contain the list; not this poll-book.

Q. Turn, please, to number forty-two, and tell the names of the judges and clerks of election in that precinct?—A. The judges: James Kelly, John Riegert, John Halter, and Jeremiah Costigan, and the clerks are Thomas Kinneavy and Michael Shallow.

Q. Now please give the names of the voters as appears there from that book, all those who did not vote on that election day.

83 (Mr. Donovan, counsel for contestee, objects to the question as entirely irrelevant and immaterial, and as a useless encumbrance of the record.)

A. William Aliff, 515 Biddle street.

Edward S. Ball, 1211 North Fifth street.
 John Bolin, 612 O'Fallon street.
 James Burns, 515 Biddle street.
 Charles Buse, 1235 North Fifth street.
 Michael Butler, 1212 North Seventh street.
 John S. Canall, St. Lawrence Hotel.
 Ed. P. Cannon, rear 1204 North Seventh street.
 John Casey, 1235 North Fifth street.
 John B. Clancy, 516 O'Fallon street.
 William Cortman, 1235 North Fifth street.
 James Coyle, 523 Biddle street.
 Patrick Doyle, 1228 North Seventh street.
 Mathew Driscoll, 524 O'Fallon street.
 E. B. Dwight, 1227, North Fifth street.
 Martin Flaherty, 1219 Foster street.
 J. Flanagan, rear 1215 North Sixth street.
 James Furber, 1226 North Seventh street.
 James E. Hart, east side Seventh, between Biddle and O'Fallon streets.
 W. H. Jackson, 1206 North Seventh street.
 Edward Kelly, 511 Biddle street.
 John Kelly, 511 Biddle street.
 Thomas Kelly, 618 O'Fallon street.
 84 Thomas K. Kelly, 1212 North Sixth street.
 William Lally, 1225 North Sixth street.
 John Lanahan, 1217 North Sixth street.
 Michael Lanigan, 1217 North Sixth street.
 Dennis McCarty, 1204 North Seventh street.
 J. F. McKeown, rear 1227 North Sixth street.
 John E. Mannion, 1226 North Seventh street.
 Michael J. Morris, rear 1229 North Fifth street.
 John Mulveney, 513 Biddle street.
 C. S. Neiswanger, 525 Biddle street.
 P. F. O'Hara, 1209 Foster street.
 Thomas O'Maley, 513 Biddle street.
 Mallacky O'Neally, 1204 North Seventh street.
 Thomas O'Neal, 1206 North Seventh street.
 Thomas C. O'Neil, Sixth, between Biddle and O'Fallon.
 Bernard Quigley, 1213 North Sixth street.
 James Sagerson, 513 Biddle street.
 John Sheridan, rear 1225 North Sixth street.
 Arthur Skiffington, 519 Biddle street.
 Joseph Smith, 1234 North Seventh street.
 Rudolph Stuermann, 1235 North Fifth street.
 Benjamin Taylor, 510 O'Fallon street.
 Julius Thiele, alley between Fifth and Sixth, Biddle and O'Fallon streets.
 Lawrence Tracy, 615 Biddle street.
 William Whalen, 1210 North Seventh street.
 C. Wilby, 1204 North Seventh street.
 85 Willisher W. Willard, 1226 North Seventh street.
 Edward E. Yerkes, rear 1208 North Seventh street.

Mr. METCALFE:

Q. State if that book contains the names of those registered on the day of election?—**A.** No, sir; it does not.

Q. Mr. Walsh, please state whether these books from which you have read contain the footing of the vote for Congressmen?—A. Yes, sir; they do.

Q. I wish you would run over them and tell me now (commencing with number thirty-seven), if you please, how votes according to that book were polled for Mr. Frost?—A. In the third Congressional district, precinct thirty-seven, for Congress, R. Graham Frost received 151 votes; Daniel O'Connell, 4 votes; Gustavus Sessinghaus, 56; and Thomas Allen 4 votes.

Q. Now, please turn to precinct thirty-eight?—A. R. Graham Frost, 139; Gustavus Sessinghaus, 75.

Q. Now turn to precinct thirty-nine?—A. R. Graham Frost, 165 votes; Gustavus Sessinghaus, 77.

85½ Q. Now, in precinct number forty?—A. Precinct number forty; R. Graham Frost, 88 votes; O'Connell, 5 votes; Sessinghaus, 65.

Q. How about precinct forty-one?—A. Frost, 60; Sessinghaus, 26.

Q. And precinct forty-two?—A. Frost, 104; O'Connell, 1; Sessinghaus, 38.

Q. Mr. Walsh, please state, if you know, how many precincts there are in the city, in this third Congressional district?—A. Well, really I don't know, sir; I can count them here; I have them all right here; I have got a book for each precinct right here.

Q. I wish you would be kind enough to see how many there are in all?—A. Eighty-six I count, or eighty-seven.

Q. Mr. Walsh, please state whether the contestant has applied repeatedly for an opportunity to inspect these books in your presence heretofore?

WITNESS. That is Mr. Sessinghaus?

Q. Yes.

A. I don't know; I don't recollect of his having done so; I don't recollect of his ever having come there; he has sent parties there who said they represented him.

86 Not being able to complete the taking of these depositions, by reason of the lateness of the hour and the absence of material documents, by consent of parties, contestant and contestee, by their respective attorneys, I adjourn the further taking of the same until to-morrow, Monday, January 31, 1881, then to be continued at the same place, at eleven o'clock in the forenoon of that day.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County of St. Louis, Mo.
Term expiring March 13, 1882.

No. 2.

SESSINGHAUS }
 vs.
 FROST. }

1 Pursuant to adjournment as above stated, on the 31st day of January, 1881, at the hour of eleven o'clock in the forenoon, I continued the taking of said depositions, as follows:

MICHAEL BURKE, being of lawful age, being then called by the contestant, being produced and sworn, on his oath testified as follows:

By Mr. POLLARD:

Question. What is your name?

Mr. DONOVAN. Counsel for the contestee objects to proceeding with this witness before the testimony of Mr. Richard Walsh is completed.

Mr. POLLARD. On the part of the contestant we desire to say that we have been notified by letter that Mr. Richard Walsh is unable to proceed with his testimony now, and may be for some time, on account of sickness, and that consequently we are compelled, much against our desire, to proceed with other testimony.

(Question repeated by the notary).

Answer. Michael Burke.

Q. What is your age, Mr. Burke?—A. Twenty-seven.

2 Q. Where do you reside?—A. 1201 North Seventh.

Q. In the city of Saint Louis?—A. Yes, sir.

Q. How long have you lived in the city?—A. Twenty-seven years. I was born here in the city of Saint Louis.

Q. And always lived here?—A. Yes, sir.

Q. What is your business, Mr. Burke?—A. Well, I haven't got any business just now. The last business I was in, was working for the Adams Express Company.

Q. What, if any, employment did you have, prior to the election, by the Democratic city central committee?—A. Well, I was employed for to go around with Mr. Lanman.

Q. Who was he?—A. He was reviser of city registration.

Q. For what ward?—A. For the Fourth ward.

3 Q. He was the duly appointed officer for the Fourth ward, was he or was he not?—A. Yes, sir; he was.

Q. For the election which was to be held on the second day of November last?—A. Yes, sir.

Q. Who were you employed by?—A. By the Democratic central committee.

Q. Through whom?—A. Through Mr. Edward Devoy.

Q. Who was Edward Devoy?—A. He was of the Democratic central committee.

Q. From the Fourth (4th) ward?—A. Yes, sir.

Q. Now state what you were employed to do.—A. I was employed to take care of the interests of the Democratic party.

Q. In that revision?—A. Yes, sir.

Q. Did you meet Mr. Lanman?—A. Yes, sir.

Q. Where did you meet Mr. Lanman?—A. Yes, sir—oh, I met him

4 on Ninth (9th) street, at L. Steber's; Ninth, between O'Fallon and Cass avenue.

Q. How long before the election was that, that you met him—about how long?—A. It must have been, I guess, about fifteen days, because I worked ten days.

Q. Did you meet him some days before?—A. No, sir; the first day I met him that was the first day I started out with the registration.

Q. Was that the first day that he started out?—A. Yes, sir.

Q. Did you go with him that day?—A. Yes, sir.

Q. How many days after that did you go with him?—A. I think it was two days after that.

Q. You went with him three days in all?—A. Yes, sir; I think that was it.

5 Q. Now, please state your method of procedure with him.—A. Well, I was trying to get him to strike off Republican votes; I done anything in my power for to get him to strike them off.

Q. What was the method of procedure; what did you do; that is what I mean?—A. Well, I would try and keep him from going back to the rear if I knew that there were Republican votes there; I would try to keep him from going back to the rear and find them.

Q. What was your object in keeping him from going into the rear?—A. Well, to strike them off; if the person in front didn't know them; if they didn't know anything about them, why, we would strike them off.

Q. Of what class of voters were they; of what politics were these men that were thus stricken off by you?

6 Mr. DONOVAN. We object on the ground that this gentleman was employed by the reviser to ascertain the registered voters of the ward and he so stated; now he falsifies himself by stating that he endeavored to prevent him, said reviser, from performing his duty as the reviser.

A. They were Republicans; that was all I was after.

By Mr. POLLARD:

Q. Were they white men or colored men?—A. Germans and colored.

Q. Were there any names so stricken off of men who were Democrats, to your knowledge?—A. Well, I don't know anything about that; of course, I tried my best for to get them not to strike off Democratic votes.

Q. But to strike off Republican votes?—A. Yes, sir.

7 Q. You say you went with him three days?—A. Yes, sir.

Q. During the three days that you were with him what precincts were you in?—A. I think the fifty-fifth (55th), fifty-sixth (56th)—I forgot the other precincts.

Q. Was there the fifty-seventh (57th)?—A. Fifty-seventh (57th)? Yes, sir.

Q. And those are all in the Fourth (4th) ward, are they?—A. Yes, sir.

Q. During those three days how many Republican names were improperly omitted and struck from the list by you and Mr. Lanman?—A. I couldn't state how many were stricken off, sir.

Q. You say that you went to the front of the house—to the number of the house in front—and prevented, or attempted to, and did, in many instances, prevent Mr. Lanman from going to the rear?—A.

8 Well, no; I didn't say I prevented him.

Q. But you attempted so to do, you say?—A. Yes, sir.

Q. That thereupon the voter, whose name was on the list, if he was not found in front, his name was stricken off, was it, in some cases?—
A. Yes, sir.

Mr. DONOVAN. We object on the ground that it does not appear that any name is mentioned, that any name was on the list, and for that reason the whole matter is too indefinite for this witness to testify about.

By Mr. POLLARD:

Q. What was this list which you and Mr. Lanman had?

WITNESS. What; you mean the poll-books?

COUNSEL. Yes, sir; if they were the poll-books.

A. Yes, sir; they were the poll-books.

Q. They contained the names of what?—A. Of voters.

Q. What voters?—A. Both Democratic and Republican voters.

Q. Had they or not been registered?—A. They had, some; yes.
9 Q. And all those that had been on that list had been registered prior to that time?

Mr. DONOVAN. We object on the ground that the register, Mr. Walsh, has been subpoenaed, and is proceeding to testify in regard to these matters as to who were properly registered voters, and this witness is ignorant of the fact as to who was or was not a properly registered voter.

A. Yes, sir.

By Mr. POLLARD:

Q. Just state if, while you were with Mr. Lanman, he was aware of this method of procedure.—A. I believe not.

Q. State whether, while you were with him, you discovered the names, on those registration lists, of men who were Democrats who were 10 improperly registered, but which names were permitted to remain on the list in these three precincts, when you were with Mr. Lanman?—A. There may have been, but I am not certain of it. In a great many cases they were passed; that is, we passed the house by entirely.

Q. During those days that you were with Mr. Lanman you purposely omitted to visit the residence of many names who were on the list, where they were Democrats?

Mr. DONOVAN. We object to that question, as thus far put, as leading, and to a very willing witness.

A. Yes, sir.

By Mr. POLLARD:

Q. After having been with Mr. Lanman for three days, then what became of the books?—A. He turned them over to me; part of them.

Q. Part of the books; for what ward?—A. For the Fourth (4th) ward; yes, sir.

11 Q. For what precinct or precincts in that ward?—A. I believe it was the thirty-seventh (37th), thirty-eighth (38th), and thirty-ninth (39th).

Q. Was the forty-seventh (47th), forty-eighth (48th), and fifty-sixth (56th), or not, included in it?

Mr. DONOVAN. We object to that.

A. That I can't say. Where the precincts lay I can tell you.

By Mr. POLLARD:

Q. What territory was it that you took?—A. It was from Carr street on the south to Webster street on the north, and Broadway to the river.

Q. Did you go west of Broadway?—A. Yes, sir; went from Biddle to Carr and Seventh to Ninth.

Q. That was the territory?—A. Yes, sir.

Q. How long did you keep those books?—A. I had them books
12 seven days; six or seven days.

Q. Did Mr. Lanman go with you after the first three days?—
A. No, sir.

Q. Did he go into this territory at all with these books; in this time
I mean.—A. That is something I don't know.

Q. With the books, I asked?—A. No, sir.

Q. You had the books all the time?—A. I had the books all the time.

Q. Were there duplicate books in his possession to your knowledge?—
A. No, sir; he took one part and I took another part of the ward to
get through with it in a hurry.

Q. Who else, if anybody, acted with him, Mr. Lanman, in the same
capacity that you did, for the Democratic central committee in that
ward?—A. No one else; unless James Doyle and Conn Hickey.

13 Q. What territory were they in?—A. They were in the (49th)
forty-ninth, and, I believe, in the fortieth (40th), that is that pre-
cinct bounded from Carr to Wash and Seventh to Fifth streets.

Q. Now, after Mr. Lanman had turned these books over to you, what
course did you pursue while you had those books?—A. I pursued the
course intended for the best interests of the Democratic party, to help
them through.

Q. Well, please state in what manner you did this work?—A. Well,
myself and Mr. McClellan did this work.

Q. Who is Mr. McClellan?—A. He is the central Republican com-
mitteeman.

Q. What was done?—A. I had charge of them during that time, and
wherever I wanted him to go he would go with me. He would go with
me wherever I wanted him to.

14 Q. You had charge of the books, you mean?—A. Yes, sir;
I had charge of the books.

Q. Before we go further, was Mr. Lanman with you all the time?—A.
No, sir.

Q. How long was he with you?—A. Part of the time; I couldn't tell
exactly; when I would take the books he would go off on some business
somewhere else. He would go away and leave me with the books.

Q. Now, please proceed and state what you did.—A. Well, in a Demo-
cratic precinct, where I thought there was Democrats, I would pass that
by, get him to pass it by. Where there were colored men or Germans
I would try my best to see whether they lived there; or I would go in

the front of the house and not let him go in the rear; so that
15 if they didn't stay in the front of the house I would strike them
off the list.

Q. Where do most of the colored people in that territory reside?—
A. They reside on Main street.

Q. I mean with regard to front or rear; in the front or rear of the
numbers from which they registered?—A. Well, take 1228 North Eighth
street; there is a colored man living in the rear.

Q. Are there not, as a matter of fact, a large part of the colored
men who live in the rear of the numbers from which they are registered;
that is, does not a large proportion of the colored men who registered
in that precinct live in the rear of the numbers?—A. Yes, sir.

Q. What are the politics of the colored men, generally?

Mr. DONOVAN. We object to that question on the ground that it calls
for an opinion of the witness and as being entirely too indefinite and
too uncertain for this witness to testify about.

16 A. Republican.

By Mr. POLLARD:

Q. Then, if I understand you, knowing that colored men and Republicans resided in the alley, in the rear of the numbers designated as their residence on the registration lists or poll-books, you purposely omitted to visit the rear, and not finding them in the front at their number you struck them off the lists.

Mr. DONOVAN. We object to that question in the first place, because it is a leading question to a very willing witness, and, in the second place, because it assumes as a fact that all colored men are Republicans.

A. Yes, sir.

By Mr. POLLARD:

Q. Did you or not omit to canvass any particular street; if so, what street?—A. Yes, sir; Biddle street, Foster alley, and Carr street.

17 Q. Why did you make that omission?—A. Because I thought that there was Democrats on that street.

Q. As a matter of fact, were you acquainted with the residents on those streets, to a large extent?—A. Yes, sir.

Q. What is their nationality, and what are their politics generally?

Mr. DONOVAN. We object to that question, on the ground that it is immaterial, irrelevant, and entirely too general and indefinite.

A. My opinion is there is mostly Democrats living on those streets.

By Mr. POLLARD:

Q. State whether or not that was the reason you omitted to canvass them?—A. Yes, sir.

Q. Were those streets canvassed by Mr. Lanman?—A. No, sir.

Q. Were they canvassed by any one else authorized by the board of revisers or Mr. Lanman having the books?—A. Forty-nine (49) 18 and forty (40) was canvassed by—

Mr. POLLARD. (Interrupting.) I mean these streets that you have named.

A. No, sir.

Q. They were not?—A. No, sir.

Q. Then every man whose name appeared on the registration list as residing on those streets was permitted to remain on the list?

Mr. DONOVAN. We object to that question, on the ground that this gentleman was not a member of the board of revisers, and has no knowledge what action the reviser took upon those names.

A. Yes, sir.

By Mr. POLLARD:

Q. State whether or not you know, of your own knowledge, that a large number of names appeared on the registration lists as residing in those streets who were not lawful and legal voters.—A. Well, we left 19 some on; for instance, there was Flanagan, in Foster alley—I forgot his first name—Thomas Quinn, he lived or had lived at 1710 Collins street, and then there was a man named McDermott living in that row. A great many more of that kind. I can't exactly think of their names now.

Mr. DONONAN. We object to this testimony in regard to "a great many more, of that kind," unless he states definitely what his knowledge is, and gives names and residences of the parties who were upon the registration lists.

A. Well, there was Thomas Howard, 629 O'Fallon street; Patrick Crosby, 629 O'Fallon street; both at the same place, you see.

Mr. POLLARD:

Q. These other names of which you have spoken, were they or were

they not, to your knowledge, illegal voters improperly registered from the places designated on the registration lists?

Mr. DONOVAN. We object to that question, because the witness
20 has not stated who these other parties were. He has not given their names, nor their places of residence; and further, because this class of testimony is entirely too indefinite.

A. I don't know; some of them were.

By Mr. POLLARD:

Q. State whether or not you are acquainted in Foster alley.—A. Yes, sir, I am acquainted there.

Q. State whether any colored men reside in Foster alley.—A. No, sir; not to my knowledge.

Q. State what the nationality of the residents of Foster alley is, almost unanimously.—A. Generally Irish.

Q. State what their politics are, generally.

Mr. DONOVAN. We object to that question, as calling for the opinion of this witness on a subject with which he is not at all familiar.

A. Mostly Democrats.

Mr. POLLARD:

Q. How long have you resided in this ward—Fourth (4th) 21 ward?—A. Fourth (4th) ward? I guess about twenty years; over that, I guess.

Q. State whether or not you have or have not mixed in politics.—A. Yes, sir; I have.

Q. For several years past?—A. Yes, sir.

Q. State whether you are pretty intimately acquainted with the politics of that ward; of the individuals living in the ward?—A. Yes, sir; I am.

Q. Now state if the course which you have said you pursued, was general all over the district you canvassed.—A. Well, mostly so with the other two of them.

Q. What other two do you mean?—A. Thomas Doyle and Conn Hickey.

Q. State how you know that Doyle and Hickey pursued the same course as yourself in the districts which they had.—A. They told me so.

22 Q. State if you saw the registration lists or poll books which they had.—A. Yes, sir; I did.

Q. State if you also know, from an inspection of their books, that the same course was pursued as was pursued by yourself.—A. Well, they told me they could do the same as I did it myself.

Q. What did they tell you they did?—A. James Doyle—

Mr. DONOVAN. We object to that on the ground of being hearsay testimony.

WITNESS. (Continuing.) James Doyle kept the books two days—the fortieth (40th) precinct book was the one he had.

By Mr. POLLARD:

Q. For what purpose?—A. For the purpose of delaying them from going over it—from going over the district after him.

Mr. DONOVAN. We object, on the ground that the witness cannot know for what purpose the books were retained.

By Mr. POLLARD:

23 Q. State whether or not you were on intimate terms with, and whether or not there was an agreement between you and Hickey and Doyle as to how these matters should be done.

Mr. DONOVAN. We object to that on the ground that the question is leading, to a very willing witness.

A. That was the supposition when we got the books.

By Mr. POLLARD:

Q. You say it was the supposition; state how you know it was a supposition?—A. James Doyle told me he had the books.

Q. Then it was an arrangement made with them?—A. Yes, sir.

Mr. DONOVAN. We object to that on the ground that the witness has not testified that any arrangement was made between himself and these parties, or that he had any connection whatsoever with them.

By Mr. POLLARD:

24 Q. Well, now, you may state whether or not it was understood between you and Hickey and Doyle that this policy should be pursued by you, in the Fourth (4th) ward.

Mr. DONOVAN. We object to that question as leading, and to a very willing witness.

A. Yes, sir.

By Mr. POLLARD:

Q. About what portion of the time was Mr. Lanman with you?—A. Well, he left me two or three times about half-past two or three o'clock in the afternoon; then, I went around myself afterwards.

Q. You worked after that several hours each day?—A. Yes, sir.

Q. Can you state about how many names of Republican voters were stricken from this list; I mean of voters whose names should not have been struck off by you?

25 Mr. DONOVAN. We object to that question on the ground that the witness has not stated that any names of Republican voters were stricken from the list; and, further, that the question is entirely too indefinite and uncertain for this witness to testify about.

A. I guess about sixty (60) or so.

By Mr. POLLARD:

Q. Can you state or estimate how many names of Democrats were permitted to remain on those lists, in the territory canvassed by you, who were not proper voters from the places where they were registered?

Mr. DONOVAN. We object to that question for the reason that this witness does not know who was a proper or improper voter in those precincts; and cannot, therefore, testify with any degree of certainty in this matter; and for the further reason that Mr. Gonter, 26 whose testimony we are proceeding to take, is the proper officer to state who was or was not a legal voter in those districts.

A. At the time I had the poll books I guess there was about a hundred (100), from what I went through.

By Mr. POLLARD:

Q. State if you learned from the books, or from Hickey and Doyle, how many names of properly registered Republican voters were stricken off by them in this territory which they canvassed.

Mr. DONOVAN. We object to that question because the testimony will be simply hearsay, and Mr. Hickey and Mr. Doyle are within the process of the officer taking this deposition.

A. Between ninety and a hundred.

By Mr. POLLARD:

Q. Can you state how many names of improperly registered Demo-

crats were permitted to remain on those lists by Hickey and Doyle, from any information which you have?

27 Mr. DONOVAN. We object to that question for the reason that both of these gentlemen last named are within the process of this notary now taking these depositions, and that neither this witness, nor Mr. Hickey, nor Mr. Doyle, can say who was or was not a properly registered voter in the precincts concerning which the witness is now proceeding to testify; nor what action was taken on those names by the board of revisers, legally appointed.

A. About one hundred, I guess, or one hundred and twenty-five; something like that; it may be more, it may be less.

By Mr. DONOVAN:

Q. That were left on?—A. Yes, sir.

By Mr. POLLARD:

Q. State, if you know, Mr. Burke, whether these names so improperly stricken off were white or colored men generally.

28 Mr. DONOVAN. We object to that question on the ground that this witness does not know whether the names concerning which he now speaks were or were not stricken off by the board of revisers.

A. Colored men.

By Mr. POLLARD:

Q. Mr. Burke, what are your politics?—A. Democrat.

Q. You voted at this last election?—A. Yes, sir.

Q. Who did you vote for for Congressman?—A. R. Graham Frost.

Q. State, Mr. Burke, when you got through with these registration books what you did with them.—A. I turned them over to Mr. Lanman.

Q. After they were received by Mr. Lanman state, if you know, either from Mr. Lanman or of your own knowledge, whether the action which you had taken with regard to striking off these names was sustained.

29 Mr. DONOVAN. We object to that question on the ground that the books of Mr. Gouter, the recorder of voters, is the best evidence of who was stricken off or who was left on.

A. By Mr. Lanman; yes, sir.

By Mr. POLLARD:

Q. State whether or not after these books were turned over by you, Hickey, and Doyle to Mr. Lanman, whether he, Lanman, went with them, the books, over this territory again.—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Burke, where do you reside?—A. 1201 North Seventh street.

Q. How long did you reside there?

WITNESS. At that number?

COUNSEL. How long have you resided there? Yes, sir, at that number.

A. My parents were there, I guess, about three years.

30 Q. How long have you resided there was my question?—A. About seven or eight months.

Q. Where did you reside before that time?—A. Poor-house.

Q. In the poor-house?—A. Yes, sir.

Q. What did you say was your business—your last business?—A. In the Adams Express Company.

Q. And when were you with the Adams Express Company?—A. I

suppose about three months ago—two or three months ago; before the election.

Q. How long did you remain there?—A. About two months.

Q. Why did you leave them?—A. I was discharged.

Q. For what reason?—A. For a little difficulty that I had with the foreman.

Q. What was your business prior to being engaged with the
31 Adams Express Company?—A. Driving provision-wagon for
the health department; driving a wagon for them.

Q. How long were you engaged in that business?—A. Two years
and six months.

Q. I forgot to ask you a moment ago what was the nature of your
difficulty with the foreman of the Adams Express Company?—A. I re-
fuse to answer that question.

Q. Why do you refuse to answer that question?—A. Because I don't
see fit.

Q. Is it anything that would tend to criminate you?—A. No, sir.

Q. Is it anything that would tend to disgrace you?—A. No, sir.

Q. Can you give us any reason why you will not answer a question
of that kind?

(Mr. Pollard, counsel for contestant, objects to the question.)
32 Mr. DONOVAN. And the counsel for the contested insists upon
the question, and requests the notary to compel an answer.

The notary then asked the question of the witness, and elicited the
following reply:

A. Because I was intoxicated and was discharged for it.

Q. You were then discharged for drunkenness?—A. Yes, sir.

Q. What is the foreman's name?—A. His name is Martin Duddy.

Q. Do you know where he resides?—A. Yes, sir.

Q. Where does he reside?—A. On Ninth and Biddle; I forget the
number. I think it is twelve hundred and some odd on that street.

Q. Now, in what other business were you engaged prior to driving
this provision wagon about which you have spoken?—A. Working at
a tobacco factory.

Q. Where at?—A. William M. Price's.

33 Q. For how long?—A. I guess about three or four years.

Q. Why did you leave there?—A. That is something I couldn't
tell you now.

Q. Have you got any impression of what caused your leaving that
business?—A. It was closed down.

Q. Have you been in the city of Saint Louis all the time for the past
ten years?—A. Yes, sir.

Q. Are these all the engagements that you have filled during that
time?—A. Yes, sir; I worked at different places from that. I also
worked at a planing mill.

Q. Were you ever in the work-house?—A. No, sir.

Q. Or county jail?—A. No, sir. Yes, sir; I was in the county jail;
yes, sir.

34 Q. For how long?—A. For about ten or fifteen minutes at
the time while I had business there.

Q. Were you ever in the penitentiary?—A. No, sir.

Q. Were you ever convicted of any crime?—A. No, sir; I was never
arrested either.

Q. Now, you have stated that Mr. Lanman was the reviser appointed
by the mayor of the city of Saint Louis to revise the registration lists
of certain precincts of the Fourth ward?—A. Yes, sir.

Q. How did you come to be employed by him ?

WITNESS. By whom ?

COUNSEL. How did you come to be employed by Mr. Lanman to assist him ?

A. I was not employed by Mr. Lanman.

MR. METCALFE. He stated he was employed by the Democratic central committee.

By MR. DONOVAN :

Q. How did you come to meet Mr. Lanman ?—A. Through Mr. Devoe.

Q. What did Mr. Lanman say to you ?

WITNESS. When I met him ?

35 MR. DONOVAN. Yes, sir.

A. Started off with me to go through the ward.

Q. To accomplish and perfect a just revision of the registration lists ?—A. That is what we understood when we started out with him.

Q. That was your understanding of the assistance that you were to give to him ?—A. Yes, sir; to go with him.

Q. Now, you appear to have met a Republican central committeeman ?—A. Yes, sir.

Q. By the name of McClellan ?—A. Yes, sir.

Q. And instead of working with the proper reviser, you went with the Republican central committeeman ?—A. The first three days the three of us went together.

Q. How did you come to meet Mr. McClellan ?—A. At the same place that I met Mr. Lanman.

36 Q. How did you come to meet him is my question; the Republican central committeeman and go with him ?

WITNESS. You mean the first time ?

COUNSEL. Yes.

A. I met him at Steber's grocery there; the three of us met there together.

Q. Why did you solicit the Republican central committeeman to go with you ?—A. I didn't say anything of that kind. I didn't solicit him at all.

Q. Did you go there or not ?

WITNESS. To solicit the Republican central committeeman to go with me ?

COUNSEL. Yes, sir; the question is very plain.

A. No, sir; I did not.

Q. Can you explain how you came to make this revision with the Republican central committeeman ?

WITNESS. That is something I don't understand.

Question repeated by the notary.

A. Through Mr. Lanman.

37 Q. What did Mr. Lanman say in placing you in company with the Republican central committeeman ?—A. That we should go around and do the same as he had done.

Q. To do your work justly and honestly, and make a proper revision of the registration list ?—A. He didn't say anything of the kind.

Q. What did he say ?—A. He gave me the books and told me to go around with McClellan; said I should go around with him.

Q. That is, as an officer, in order to be perfectly fair, you being a Democrat and Mr. McClellan being a Republican; in order that this work should be justly and properly done ?—A. He didn't give me any in-

structions about that at all; he didn't give me any such instructions; he just gave me the books and told me to go with him, and bring them back in the evening.

Q. About how long were you with McClellan, the Republican central committeeman?—A. I guess about seven days; six or seven days.

Q. The largest part of your time was spent in this revision in his company?—A. Yes, sir.

Q. Was Mr. McClellan anxious that Democratic voters should be stricken from this registration list?—A. Well, a little he was. He was not very anxious, I don't think.

Q. It was very pleasing to have that done, inasmuch he was anxious for the success of the Republican ticket?

(Mr. Pollard, counsel for the contestant, objects to the question as being merely an argument directed to the witness.)

A. I don't know what his success was.

Mr. POLLARD. Just state what the facts are.

By Mr. DONOVAN:

Q. Did you have many conversations with him during these seven days?—A. Yes, sir.

Q. Did he request of you that the Democratic voters be stricken from those registration lists?—A. No, sir.

Q. Did he request, on the other hand, that parties that might be proper voters and Democrats be left on your revised list?—A. No, sir.

Q. How long have you known Mr. McClellan?—A. That was the first time I met him; the first day of registration.

Q. How many hours of each day were you in his company?—A. Some days about eight o'clock in the morning until about two in the afternoon; some other days, until three o'clock or four o'clock.

Q. You were always together when you were making your runs, as you might call them?—A. No, sir; not always.

Q. How much of the time was he present?—A. I believe on three different occasions he left me about half past two or three o'clock to attend the Republican central committee.

Q. For the major part of the time that you spent in making this revision you were in the company of Mr. McClellan, the Republican central committeeman?—A. Yes, sir.

Q. Did he give you any money?

WITNESS. Sir?

Question repeated by notary.

A. No, sir.

Q. Did you get any money from the Republican central committee?—A. No, sir.

Q. Who paid you for the work which you thus did in connection with this Republican central committeeman?—A. The Democratic central committee.

Q. Did you get anything from Smith?—A. I don't know the gentleman.

Q. Smith was the chairman of the Republican central committee, and of the Congressional committee.—A. I don't know him at all.

Q. How was it possible for you, while working with Mr. McClellan, the Republican central committeeman, to strike off Republican votes?—A. I had the books myself, and if I had any doubt that the man lived

there, I would scratch him off if he was a Republican, and the Democratic names I would leave on; Mr. McClellan didn't pay any attention to me.

42 Q. You say Mr. McClellan didn't pay any attention to you why was it that he, being a Republican central committeeman and interested in the success of the Republican party, did not pay any attention to you?—A. I don't know, sir.

Q. Are you sure that he did or did not pay any attention to the work that he was doing for seven days with you?—A. Very often he didn't.

Q. How often did he not?—A. That is something I could not say.

Q. Can you approximate about the time that he didn't pay any attention to his duty as a Republican central committee man, in the work that he was employed to do?—A. On different occasions,

43 Q. How many occasions?—A. That is something I could not say.

Q. Was it one or two, or three times?—A. Oh, yes; a great many more times; I couldn't exactly say how often; I would go up to the house and he would stay down-stairs.

Q. You have stated that he was with you from eight o'clock until two three, and four o'clock every afternoon.—A. Yes, sir.

Q. For seven days?—A. Yes, sir.

Q. Now, will you please tell me what he was doing during all the time?—A. He had the books in his hand, and I had the books that Mr.

Lanman gave me; I would go up to the door and find out 44 the man lived there, and if he was a Republican I would scratch him off; I would tell Mr. McClellan that on different occasions that is, I would tell him that the man did not live there.

Q. Then you lied to Mr. McClellan?—A. Yes, sir.

Q. Were you sworn to do your duty on that occasion?—A. No, sir.

Q. You had made a promise to perform your duty faithfully?—A. made no promise at all. When I went into it, it was understood that was to do that.

Q. It was understood that you were to do what?—A. To favor the Democratic party as much as possible.

Q. That you were employed to do, were you. Did anybody 45 ask you to cheat anybody?—A. I refuse to answer that question.

Q. Did anybody ask you to do anything else except what was proper; did they ask you to improperly take off from your list, or the paper that you had, the name of any one that was properly on the list; did they ask that any name should be stricken off those lists that ought properly to remain on them?—A. I refuse to answer that question.

Q. You say Mr. Edward Devoy employed you?—A. Yes, sir.

Q. If you were employed in the interests of the Democratic party, will you please explain to me why it was that you took with 46 you the Republican central committeeman, to revise your work?—A. I believe I have answered that question before.

Q. Well, answer it again.—A. Mr. Lanman sent us both out; I didn't take him with me; he sent us both together.

Q. Did you cheat anybody out of his vote who was a legitimate voter?—A. I scratched a great many names out. I didn't know whether the were entitled to vote or not; that is, of my own knowledge.

Q. Do you know anybody that you thus struck off of those lists that was a legitimate voter and entitled to vote?—A. I don't remember any names now.

Q. Do you know whether you put on any names that were not ei

titlled to vote?—A. No, sir; I have changed some from one number to another.

47 Q. Well, I will ask you again. Did you cheat anybody out of his vote, that was legitimately entitled to vote?—A. I don't know, sir.

Q. Well, those books that Mr. Lanman handed to you, were in your possession to perform an honest duty, were they not?—A. Yes, sir.

Q. Well, now, will you state, Mr. Burke, whether or not you did honestly or dishonestly perform your duty?

Mr. POLLARD. He has already stated that.

Mr. DONOVAN. He is my witness for the present.

A. I did all I could in favor of the Democratic party.

Q. I will ask you again, whether or not you honestly or dishonestly performed the duties that you engaged to do?—A. Dishonestly.

48 Q. Dishonestly, in what respect?—A. In leaving names on the books that I thought was Democrats, and scratching off many names that I thought was Republicans.

Q. That you thought were Republicans?—A. Yes, sir.

Q. Will you please give to us the names of such Republicans whom you really thought to be entitled to votes as you struck off those lists?—A. That is something I never kept any memorandum of. I struck a great many off. I cannot think of any names just now.

Q. You now tell me that you cannot remember the name of one single Republican entitled to vote that you struck off of those lists?—A.

No, sir; not at the present time, I cannot.

49 Q. Yet, you say you were acquainted with the district and the people that resided there?—A. Yes, sir.

Q. Why is it that you cannot give the name of any one person, if you did strike off any properly registered Republican voters?—A. I kept no memorandum of the names I struck off at all.

Q. Now, do you know whether or not any parties whose names you struck off were or were not properly registered voters and entitled to vote at that election?—A. Well, I will answer the same, as I said before. If they were Republicans, I went to the front and asked the woman there, and if she didn't know him, I would strike off the name.

I wouldn't go back in the rear.

50 Q. Can't you give the name of any person living at any place where this was done?—A. I can't think of any one. I don't remember any.

Q. Yet you say you are acquainted, thoroughly acquainted with that district?—A. Yes, sir.

Q. Do you presume that all Democrats live on the front of the street and all Republicans live in the alleys?—A. No, sir; I do not.

Q. Do you take it for granted that all colored men are Republicans?—A. Yes, sir—no; not all.

Q. Not all?—A. A majority of them are, though.

Q. Can you tell from a man's name whether he is a Democrat or a Republican?—A. Yes, sir.

51 Q. Can you tell whether he is a white man or a colored man?—A. I can mostly; very often.

Q. How have you acquired this experience?—A. Well, I live around where there is a great many of them.

Q. Did you acquire that experience in the poor-house?—A. No, sir.

Q. I forgot to ask you how long you were in the poor-house?—A. Two years and six months.

Q. How old are you?—A. Twenty-seven.

Q. You are an able-bodied man?—A. Yes, sir.

Q. How did it come that an able-bodied man of twenty-seven years of age, or less, could be placed in the poor-house?—A. I told you I was driving a provision wagon for the health department, and I was staying at the poor-house. I hauled bread for the workhouse, the insane asylum, the city jail, and other places. That was how I came to be in the jail for ten or fifteen minutes, you know.

Q. You have stated in your direct examination that in Foster street, or Foster alley, Democrats resided?—A. Yes, sir.

Q. And that you did not visit that street or alley in your rounds?—A. We went to one or two doors and then come out again. That is all.

Q. Why do you believe that these people are mostly Democrats residing in that street or alley?—A. Because they are mostly all Irish living there.

Q. Do you know the name of anybody living in that street or alley?—A. I know the names. I can't think of them now.

Q. Can you now give me the name of a single party residing in that street or alley whom you know to be a Democrat?—A. I believe there is one named Flanagan.

Q. Is there any more—any other name?—A. I don't remember any more.

Q. That is the extent of your information regarding the inhabitants of that street?—A. I know them, but I can't recollect their names.

Q. Now, you say that you are acquainted with the politics of the people in the Fourth ward?—A. Yes, sir.

Q. Of all the people?—A. O, no; of course not.

Q. How many voters are there in the Fourth ward?—A. I don't remember now; some four thousand, I guess. Four thousand and some odd.

Q. How many of that four thousand and odd do you know?—A. That is something I couldn't say.

Q. Can you approximate to the number of those people that you know?—A. I could not.

Q. If you don't know them how do you know their politics?—A. I don't mean to say that I know them all.

Q. What proportion of the four thousand voters do you know?—A. A great many.

Q. My question is, what proportion of them do you know?—A. I couldn't say.

Q. Can you give the names of the people you do know in the Fourth ward?

WITNESS. Can I give the name of any?

COUNSEL. Yes. Can you give me now, the names of all the people that you know in the Fourth ward?

A. I guess I could not.

Q. How many do you suppose you do know?—A. I don't know; I couldn't say.

Q. Do you know a hundred?—A. Yes, sir.

Q. Can you give the names of twenty-five (25)?—A. Yes, sir.

Q. Well, give them.—A. You want me to give them?

Q. Yes, sir.—A. Frank Mann, Ed. Duboy, Charley Owen, Charles Erran, Martin Debbitt, John H. Wolf (he keeps a grocery on the corner of Eighth and Biddle), Thomas Green, Samuel Doyle, N. M. Valley, John Eagan, Tom Holden, Johnny Holden, Jimmy Holden, John Dale, Ed. Doyle, Joseph Rabbit, Pat. Burns, Frank Lacy—you want twenty-five, do you?

Q. I want twenty-five.—A. Samuel Clark, Michael Owen, John McGuire, James Sheridan, Thomas Stretch, Richard McCormick.

Q. Please go on and furnish me with the twenty-five.—A. Michael Murphy, John Macarty, John Wood, John Creeha.

Q. Have you made these names up or are they people with whom you are acquainted ?—A. I am acquainted with them.

Q. Do you know the politics of those people whose names you have just stated ?—A. Yes, sir.

57 Q. Now, you don't mean, or pretend to say that you know the politics of people with whom you are not acquainted !—A. With whom I am not acquainted !

Q. Yes, sir.—A. No, sir; I do not.

Q. Now, during all the days of your revision the Republican central committeeman, Mr. McClellan, only left you two or three times ?—A. Three times; yes, sir.

Q. You say you think you struck off sixty (60) Republicans ?—A. Yes, sir.

Q. How do you know they were Republicans ?—A. By going around among the colored men.

Q. How did you do that ? Did you assume the fact that they were Republicans ?—Yes, sir.

Q. You thought they were ?—A. Yes, sir.

58 Q. Did you or did you not know that they were properly qualified voters ?—A. Well, I told you that before. I answered that before, that if I thought they were Republicans I wouldn't make much inquiry.

Q. And you never had a doubt as to whether or not they were properly qualified voters ?—A. I judged them by where they were living.

Q. Well, Mr. McClellan was with you when you did this ?—A. Part of it; yes.

Q. And he assented to your action ?—A. Yes, sir.

Q. What was Mr. McClellan's idea in striking off Republican votes, he being a Republican central committeeman ?—A. Some cases he did not see me do it.

Q. How do you arrive at the number to be sixty ?—A. About sixty, I said. It may be more; it may be less.

59 Q. How much more, or how much less ?—A. I couldn't say.

Q. Have you got any definite opinion on the subject ?—A. No, sir; about sixty.

Q. How do you arrive at the number sixty ?—A. That is what I think is about the number struck off; it may be more, it may be less.

Q. Can you give the sixty names ?—A. No, sir; I could not.

Q. Can you give one of the sixty names ?—A. I don't remember any of them just now.

Q. Now, you say you left on a hundred Democrats ?—A. Yes, sir.

Q. Can you tell me now whether or not they were properly registered voters and entitled to vote ?—A. They may have been; they may have lived there, but not a long time before the election.

60 Q. Do you know whether or not any of these people voted ?—A. I do not.

Q. Do you know whether or not any of these Democrats voted that you left on ?—A. I do not.

Q. Can you give me the names of the hundred Democrats ?—A. I can; part of them that was left on. Thomas Quinn, 17th and Collins. Do you ask for them ?

Q. I ask for them; yes, sir.—A. I believe there was Flanagan, in Foster Alley; he was left on.

Q. I don't want your belief; I want your memory of the facts. Who else?—A. There was two more; Thomas Howard and Patrick Crosby.

Q. Give the address of them as you go along.—A. Both their numbers are 629 O'Fallon street.

61 Q. Who else?—A. There are others.

Q. Who else?—A. I don't remember any more; I can't give their names now.

Q. Do you know whether or not these people voted?—A. I do not.

Q. Do you know whether Mr. Hickey and Mr. Doyle did?—A. Yes, sir.

Q. In what wards were they employed to assist the revisers in the revision of the list of voters?—A. In the fourth ward.

Q. The same ward with yourself?—A. Yes, sir.

Q. How long have you known these gentlemen?—A. A number of years.

Q. How many years?—A. I suppose about eight (8) or ten (10).

Q. Do you know whether or not the Republican central committeeman went with them?—A. He did not.

62 Q. During the progress of their revision?—A. No, sir; he did not.

Q. How long after you were employed to assist in this revision did you meet these gentlemen?—A. How long afterwards?

Q. How long afterwards did you meet them to talk with them on the subject of this revision?—A. I met them while they were going around.

Q. Can you give us the date of that?—A. No; I cannot.

Q. How long after you were appointed or employed?—A. I couldn't say now.

Q. Well, was it one day or ten days?—A. That I met them?

Q. Yes?—A. I met them while we were going around with the registration books; while we had the books in our possession.

63 Q. Do I understand you to say that you made an arrangement with those gentlemen to cheat properly registered voters of their votes?—A. No, sir; we didn't make any arrangement.

Q. To cheat properly registered voters of their votes?—A. No, sir.

Q. You did not make any arrangement?—A. No, sir.

Q. Do you know whether they acted dishonestly in the performance of the duty that devolved upon them?—A. Do I know?

Q. Yes?—A. No, sir; I do not; only what they told me.

Q. When did they speak to you regarding this matter?—A. During the ten (10) days.

Q. Where at?—A. At Seventh and Biddle streets.

64 Q. What did they say?—A. They said they were hunting up the niggers pretty lively and striking them off.

Q. Do you know whether or not, if they struck off any colored man, that they didn't strike them off properly, as not residing at their places?—A. Only what they told me.

Q. They simply said they were hunting up colored men?—A. Yes, sir; and striking them off pretty lively.

Q. You do know whether or not they were striking them off properly?—A. No, sir, I do not.

Q. When you gave your book back to Lanman, the registrar, or reviser, you made a report that you had performed your duty faith-

fully and honestly in accordance with your employment?—A. I gave him my books, yes, sir.

Q. Did you make any oath?—A. No, sir.
65 Q. Are you acquainted with Mr. Sessinghaus?—A. No, sir.
Q. Did you ever see him?—A. Yes, sir; I saw him.
Q. When?—Before the election.
Q. How long before?—A. I couldn't say now.
Q. About how long?—A. When we were going around with the books.

Q. Did you have any conversation with him?—A. No, sir; just merely took a drink. That was the only conversation we had.
Q. Where did you take that drink?—A. Up on Broadway and Mound.
Q. How long were you with him?—A. I suppose about five or ten minutes.

Q. It was while you were at the work of revising?—A. Yes, sir.
Q. Was there anybody else with you at the same time?—A. Mr. McClellan.
66 Q. How did you come to meet him?—A. We went in to take a drink ourselves.
Q. The first time you ever saw him?—A. The first time I ever saw him; yes, sir.

Q. Introduced to him by whom?—A. I was not introduced to him at all, sir.
Q. Just met Mr. Sessinghaus, the contestant, and went in and took a drink with him?—A. He knew this Mr. McClellan, so he invited us to take a drink with him.

Q. Mr. Sessinghaus at that time was a candidate for member of Congress?—A. Yes, sir.

Q. Did you tell him what work you were at?—A. No, sir.
Q. Did Mr. McClellan, in your presence, tell him what work you were at?—A. Not that I know of. I wasn't acquainted with him when
67 he came in. I didn't know who he was.

Q. You got acquainted with him before you left the bar-room?—A. Before he left us Mr. McClellan told me who he was.
Q. You didn't speak with him at all?—A. No, sir.
Q. Have you spoken to Mr. Sessinghaus since?—A. I don't suppose I would know him if I saw him on the street.

Q. That is not my question; have you spoken with him or with anybody that was sent to you from him?—A. No, sir; I don't know; I have spoken to a great many, I guess. I don't know whether they was sent from him or not.

Q. When were you subpoenaed in this case?—A. I don't know, sir; I don't remember now.

68 Q. How long ago?—A. I don't remember what date it was.
Q. About how long ago?—A. I think it was last Wednesday or Thursday; I am not certain now.

Q. Who subpoenaed you?—A. Mr. Hyde, I believe it was.
Q. What is Mr. Hyde's name?—A. John Hyde, I believe it is.
Q. What is his business?—A. That I don't know, sir.
Q. How did Mr. Hyde come to subpoena you?—A. I don't know; he gave me the subpoena, and I read it, and told him I would come here.

Q. Had you given him any information prior to being subpoenaed in this case?—A. Yes; I had.

Q. When did you give him that information?—A. On different occasions.

Q. Commencing when and ending when?—A. That is hard to tell; that is something I couldn't tell either; different times.

Q. What is Mr. Hyde's politics?—A. I believe he is a Republican.

Q. How did you come to speak to him?—A. Through Mr. Hardwig, a friend of mine.

Q. When did you speak with Mr. Hardwig?—A. I am well acquainted with Mr. Hardwig.

Q. When did he first speak to you about the testimony that you were to give in this cause?—A. That is something I couldn't say either.

Q. About how long ago?—A. Oh, I suppose it must be—I couldn't say how long ago.

Q. Well, this matter has been pending but a few months; your memory cannot be as short as that?—A. About two or three months ago.

70 Q. How did Mr. Hardwig come to speak to you on this subject?—A. I don't know.

Q. What did Mr. Hardwig say to you?—A. He told me to go with him, he wanted me to go around with him.

Q. Go around where?—A. Around the ward.

Q. For what purpose?—A. He didn't say; I suppose to gain evidence.

Q. Gain evidence for what?—A. For Mr. Sessinghaus, I believe.

Q. Did you go?—A. Yes, sir.

Q. How many days?—A. I don't remember how many days.

Q. About how many?—A. I never took any memorandum of it; I never made a memorandum of it at all; I don't remember how many days at all.

71 Q. Give us your best opinion on the subject?—A. I guess about two months; in fact, I ain't certain.

Q. About?—A. About that, anyhow.

Q. You went around for two months hunting up testimony?—A. Yes, sir.

Q. To advance Mr. Sessinghaus's cause in this contest?—A. Yes, sir.

Q. Who paid you for that work?—A. I got no pay for it at all, sir.

Q. To whom do you look for pay for that labor?—A. I have got no promise at all.

Q. Do you expect to get paid for that work?—A. I don't know, sir.

Q. What induced you, who have in your direct examination testified that you voted for R. Graham Frost (the contestee in this case) for Congress, to spend two months, without promises of pay, in working for Mr. Sessinghaus, the contestant, in order to defeat Mr. Frost?—A. Mr. Hardwig.

Q. What did Mr. Hardwig promise you?—A. He promised me nothing.

Q. Why did you do that?—A. He asked me would I go around with him as a friend.

Q. What means of livelihood had you in the meantime?—A. I was borrowing money from Mr. Hardwig all along.

Q. Was it Mr. Hardwig's money or Mr. Sessinghaus's money?—A. That is something I don't know, sir.

Q. How much did you get?—A. Different sums. Dollars and half dollars, and so on; just for to spend.

Q. What did Mr. Hardwig expect you to do?—A. Just go with him merely.

Q. For what purpose?—A. I told you before, evidence.

Q. Now, did he promise you pay to testify in this cause?—A. No, sir.

73 Q. Was not that a part of the duty that you were to perform on account of the reception of this money that was paid you by Mr. Hardwig?—A. We had no understanding about that at all, sir.

Q. And did not Mr. Hardwig expect that you would come here and testify as you have done, and that you would receive some compensation for it?—A. I don't know what he thought, sir.

Q. Did he say so?—A. He did not say so.

Q. Did he say anything of that kind?—A. No, sir.

Q. Was it tacitly understood that you should?—A. That is something I don't know.

Re-examination by Mr. POLLARD:

74 Q. You say that McClellan was only absent three times. Was he in your immediate presence all the rest of the time?—A. No; not all the rest of the time.

Q. Where was he?—A. He was in the saloon on one occasion.

Q. When you visited houses and went in to talk to the women where was he?—A. He was standing down on the pavement.

Q. Did that occur more than once?—A. Yes, sir; very often.

Q. Now, you say that you struck off the names of many whom you supposed were Republicans?—A. Yes, sir.

Q. Why did you suppose—what led you to suppose they were Republicans?—A. By their names and where they lived.

75 Q. And their residence?—A. Yes, sir.

Q. Where were most of the Republicans—I mean in what locality were most of these Republicans that were struck off? In what streets?—A. On Eighth street, between Biddle and Carr; on Seventh, between Carr and Wash, on both sides of the street; and on Main and Mullanphy, up about there. A great many of them up there. There was great many other streets that I don't remember now.

Q. In any of these instances where these names were stricken off did you know that parties lived in the places, in the rear?—A. Yes, sir.

By Mr. DONOVAN:

76 Q. Did you know whether or not they were properly qualified voters and entitled to vote?—A. I believe there was two of them I do know. I remember a great many of them, but I can't think of their names, up on Eleventh street. I believe their number is fourteen hundred and some odd. They live in the rear—two colored men. I saw them at the polls, and they were refused at the polls. I don't remember their names.

Q. Do you know whether or not they were under the law qualified voters, properly registered, and entitled to vote?

(Mr. Pollard, counsel for contestant, objects to the question.)

A. Yes, sir.

By Mr. DONOVAN:

77 Q. Do you know what is required under the law to be a properly qualified voter?—A. I suppose he must be a citizen.

Q. Is that all?—A. Voting at the right place, right number.

Q. Is that all?—A. I am no lawyer; I can't say.

By Mr. POLLARD:

Q. You spoke of two colored men, whose names you struck off. Did you afterwards see those men at the polls?—A. Yes, sir.

Q. Where?—A. Tenth and O'Fallon.

Q. Were they refused a right to vote at the polls?—A. Yes, sir.

By Mr. DONOVAN:

Q. Can you give their names and address?—A. I can't tell their names.

Q. And address?—A. It is fourteen hundred and some odd. I don't remember the number; they live in the rear.

78 Q. You don't know the names of these colored men?—A. I don't know them.

By Mr. POLLARD:

Q. Were you present at those polls during the election day?—A. Yes, sir.

Q. Did you see any other man there whose names you had struck off, and who were, in consequence, refused the right to vote?—A. I may have seen them there, but I don't remember them now.

(Signature waived.)

At this point a recess was taken until three o'clock p. m.

AFTER RECESS.

Parties met and the following proceedings were then had:

79 EDMUND T. ALLEN was then produced on the part of the contestant, sworn and examined on his oath, deposes and says as follows, to wit:

By Mr. POLLARD:

Question. Please state your name, age, residence, and occupation.—Answer. Edmund T. Allen; my age is about forty-four years; I am an attorney at law, and I reside in the city of Saint Louis.

Q. What connection, if any, did you have, Mr. Allen, with the election held in the city of Saint Louis on the 2d day of last November?—A. I acted as chief supervisor of elections for the eastern district of Missouri, under the United States law in regard to the supervision of elections.

Q. Under that appointment did you appoint supervisors for 80 the various voting precincts in the city of Saint Louis?—A. I recommended applicants for appointment to the United States circuit court; but the appointments were made by the court.

Q. How many for each precinct?—A. There were, for all the precincts for which appointments were made, two recommended; but there were not recommendations for all the precincts in the city; and many of them who were recommended and appointed did not serve. In some cases only one would serve in a precinct; and in other cases none would serve in the precinct.

Q. After the election these various supervisors which had been appointed in the third Congressional district reported again to 81 you, did they?—A. They did, all that served, with possibly one exception; and I am not now positive that they all reported.

Q. What was their method of reporting; in what way?—A. They returned to my office blanks which had been provided for them, and also in some cases complied with the recommendation or instruction which I had made through the public press to bring in to me such ballots as might have been deposited with them by persons attempting to vote who had been refused the privilege of voting or of registration by the judges of election. I think I may as well explain that here.

82 Q. Yes, sir; proceed, if you please.—A. A short time before—

• a few days preceding—I think the Friday before election, I secured a considerable part of the poll books of the city, and on examining those poll books, with reference to the list of supervisors whom I had recommended for appointment at that time, I found a very considerable number of parties who had been recommended by the committees of the two political parties of the city for their districts or precincts were not on the poll books as voters in their respective precincts, the law requiring that persons to be appointed as supervisors should be qualified voters in their precincts. I will add, further, that as there was a Democ-

rat and a Republican to be appointed in each precinct I had the

83 curiosity to examine as to that and find out of which party the greater number were, whose names were not on the poll books, of those who had been recommended for appointment as supervisors, and I found that there was a small majority more of Democrats whose names were not on the poll books than of Republicans. It was sufficiently close to indicate to my mind that it was merely a matter of accident which had taken place by reason of the haste in which the poll books had been prepared. With a view, then, of calling the attention of the public to

the great imperfection of the poll books, rather than as furnishing

84 evidence, aid, or assistance to either party in the contest with reference to elections, I issued a supplemental order, or instruc-

tion, or recommendation, which ever you may please to call it, to the supervisors, requesting them in all cases where a party was refused a chance to vote by the judges and in all cases where, his name not being upon the poll books, a special registrar at the polling place should refuse to register a voter, if he saw fit, to write his name and address, or place of residence, on the back of the ballot, and the supervisor or supervisors should string those ballots upon a string, or otherwise preserve them, and return them to me with their returns. In accordance with that recommendation, in quite a number of instances in the third Congressional district, as in the other districts comprising the city of Saint Louis, supervisors did return to me ballots with the names of the voters upon the back of them, in many cases without any reference to such action in their return proper, and in the blanks provided for them under the law. In some cases, with reference to those ballots, they did enter them in the list in the returns. I believe that answers your question.

Q. In some instances, then, these supervisors, in their returns, showed that these rejected ballots which they had received had been returned

86 by them to the officers of the city, did they not?—A. My impres-
sion is that they did that in all cases; that is rather an inference from facts than a part of the return. I think the books of some of the supervisors who didn't return any ballots to my office stated that certain parties, naming them, had offered to vote and that their votes had not been received, without stating more.

Q. In those instances did they invariably name the parties who had offered to vote and whose votes had been rejected?

Mr. DONOVAN. We object to that question on the ground the record is the best evidence.

A. I am not able to state anyway. I couldn't state from recollection. There are some three or four hundred of these returns, and I can't carry them in my mind.

87 By Mr. POLLARD:

Q. Mr. Allen, how long have you resided in the city of St. Louis?—A. Between seventeen and eighteen years.

Q. What political party has control of the machinery of the city government?

Mr. DONOVAN. We object to that question on the ground that Mayor Overstolz is head of the city government, and it is a question with the Globe-Democrat, the leading Republican newspaper of the West, as to whether or not Mayor Overstolz is a Republican or a Democrat.

The WITNESS: Do you mean at present?

Mr. POLLARD:

Q. At present; yes, sir. At the time of the last city election.

The WITNESS. The last city election?

Q. At the last election held in this city—the last, 2d of November.—A. I couldn't testify as to whether Mr. Gonter is a

Republican or a Democrat. I don't know that. There are some members of the city government who are Republicans, and some of them that are Democrats. My impression is that the controlling influence in the city government is Democratic, but I don't know enough about it to testify to that fact. That is my impression.

Q. Did or did not Mr. Gonter, the recorder of voters, run on the Democratic ticket when he was elected to that office?—A. He may have done so; I couldn't say. I don't know.

Q. You don't know?—A. I don't know.

Q. You don't know by general repute whether he is a Republican or Democrat?—A. My impression is that he is a Democrat.

Q. And how about Mr. Walsh, the city register?—A. Mr. Walsh, I think, is a Democrat. I don't think there is any doubt about that.

Q. Do you or do you not know the politics of the revisers of the registration list?—A. No, sir; because I don't know who they were. Some of them, I know, are Democrats, but I don't know who they all were.

Q. You say that when you inspected the registration list you ascertained that quite a number of those individuals who had been recommended for supervisors were not to be found thereon?—A. Yes, sir.

Q. How many?—A. I think there were seventy (70) of them

Q. Out of how many who had been recommended?—A. Out of, at that time, some three hundred (300).

Q. That is, of both parties, as I understand it?—A. Yes, sir.

Q. What was the character, I mean the standing in business and in society, generally, of these men who had been appointed, and whose names did not appear on this list?—A. Some of them were very prominent men,

Q. Generally?—A. The majority of that seventy (70) were business men, lawyers; some lawyers among them.

Q. How long before the election, how many days before the election was this inspection and discovery made by you, Mr. Allen?—A. It was made on Friday, I think. The election was to take place on the following Tuesday.

Q. And at that time, only three days before the election, there was some twenty odd per cent. of prominent business men who were either improperly registered, or not registered at all?—A. Well, that is no a logical sequence of the premises stated, because in some cases that happened from a mistake made by the committees of the two parties who had sent me in names, in sending me the names from a wrong precinct. Do you see that point?

Q. Yes.—A. These facts, however, advised me of marked imper

fections in the poll books, because I had delivered to me simultaneously with the delivery of the poll books to the city copies of the identical lists which were to be in the hands of the judges at the different precincts in the city. I had further been advised that the instructions to the judges and the special registrars were to be, that any name stricken from the list, any party whose name had been stricken from the list of voters by the revisers was not to be allowed to re-register and to vote at that election. The result of such instruction would be this: that in case the revisers had made a mistake, and through error had omitted the name of a man from the precinct list where he lived, the judges would neither receive his vote, nor would the special registrar enroll or register him on that day; and the effect of that would be that his name would not be voted upon, nor would his ballot be returned by the judges in the list of rejected ballots. To provide, then, that in whosoever benefit or interest it might result, a man who had been so unfortunate as to have his name erroneously dropped from the list might, in case of a contest, have his vote counted (particularly for members of Congress), and also that the public might have some source of information, reasonably correct, of the vast amount of errors and omissions in the poll books, I gave the recommendation which I have already stated. It was not intended to interfere at all with the duties of the judges in canvassing such votes as they thought were improper, and to return such votes as were properly taken, both in the rejected list to the city government, but simply to provide for those votes which might be offered and which would not, under the ruling of the city counselor, be accepted by the judges at all.

Q. From whom did you receive this advice of which you have spoken?
—A. From my own examination of the poll books.

Q. You stated that you had been advised that those names which had either been stricken off, or who had not been permitted to register would be refused registration on that day; from whom did you obtain that advice?—A. I don't remember now; it may have come from public prints; or it may have been a matter of common rumor; I don't remember now. Nothing specific.

Q. Did you on the day of election receive complaints concerning improperly rejected voters?—A. I think I did on two or three occasions.

Q. Do you remember the names of any such parties that made such complaints?—A. No, I don't. I think I have a memorandum of them somewhere at my office. Nor do I remember just what parts of the city they were from. I think there was one in the southern part of the city. A man came in and stated to me facts in regard to his being refused to vote, and I took his affidavit and the affidavit of one or two witnesses in regard to it.

By Mr. DONOVAN:

Q. That is not in the third Congressional district?—A. No, sir.

By Mr. POLLARD:

Q. Did you receive any complaint from John D. Johnson, who was a candidate for circuit judge, or from Mr. Hyde, on that day?—A. I think that Mr. Johnson was in my office, but whether he mentioned any specific matter to me, or spoke generally in reference to it, I won't undertake to say now.

Q. Were you in your office, after the election, when these supervisors made their returns?—A. I was in my office only part of the time.

Q. Who was there to receive the returns?—A. My brother, W. L. B.

G. Allen, who was acting as my clerk in reference to the whole business of supervisorship, from the beginning of it to the end.

Q. State whether or not he is as cognizant of the matters which accrued subsequent to the election as yourself.—A. He is, and more so.

Q. State whether or not he is familiar with all matters concerning the election which have accrued subsequent to that?—A. I think he is.

sir; more so than any other one in my office. I would state
98 that on the evening of each day I went with him through the different books that had been returned on that day, separating them according to the districts to which they belonged and checking them off on the lists of supervisors which I had in my office, in order to show that those parties had made their returns. He then took charge of them and of the ballots which came in with each set of supervisors, and afterwards, under my instructions, made a compilation of the different ballots, separating them according to party in an abstract which he prepared and sealing up the ballots in envelopes, in which they have since remained in my safe. I overlooked the work as it progressed.
99 but being busily engaged in other matters, I left the labor of it to him.

Q. Mr. Allen, are you intimately acquainted with the working of the registration law in this city?—A. Well, I have had some little experience in the matter from having acted as supervisor of election before the election of last November, and once as a member of the board of revisers.

Q. The law provides, Mr. Allen, that under certain circumstances a man may be registered on election day?—A. Yes, sir.

Q. From your knowledge of the working of the law, what tendency has that?—A. My experience as a member of the board of revision was that seventy-five (75) per cent. of those who registered on the day of election couldn't be found as voters in the different districts.

Q. Do you mean by that that seventy-five (75) per cent. of those who registered on the day of election were improperly registered?—A. That is my impression. That may be an exaggeration; but it is largely more than a majority of the names registered on the day of election which are fraudulently registered.

Q. Mr. Allen, there is another provision of the law as now construed and enforced at the last election, allowing the revisers but ten (10) days in which to make a revision of the registration-lists; is there not?—A.

Yes, sir.

101 Q. State from your experience and your observation, what effect that has upon a correct, proper, and just registration.—A. My opinion is that it is an absolute impossibility for the revisers in that time to perform the duty as it ought to be done. It requires some three or four days to get the machinery of that revision started; and the work of canvassing would occupy, if properly done, all the rest of the time, leaving no opportunity for the revisers to exercise any discretion, or even to act upon each individual name presented to them as proper to be taken off the list. The practical result of it is that the canvassers bring in their list on the last day, when the revisers sit, and either the whole list must remain upon the poll books, or they must be ordered to be stricken out by one vote as to each precinct with
102 out even reading the names to the revisers. It is not a question of choice with them; it is a matter of absolute necessity that the thing should be done in that way, if done at all.

Q. Mr. Allen, in ten days, is it a physical possibility for one man to make

a careful, just, and proper revision of the registration lists of one of our largest wards?—A. No, unless he occupies his entire time from the beginning of the ten days to the end of it.

Q. Which would result, as you have said before, in him and him alone being the reviser, and not the board?—A. Yes, sir; when I say that I speak not of all the different precincts, because there are precincts in which it could be done in a day or so.

Q. You mean all the wards?—A. Yes, sir; I mean the wards; there are wards where there are comparatively few voters.

103 Q. I spoke of our largest wards. Do you know from your observation how that revision was made, immediately preceding the election now spoken of?—A. No, sir; I am only speaking of the one where I served as reviser.

By Mr. DONOVAN:

Q. That was some years ago?—A. I don't remember that, when that was.

Q. That was not any way concerning this last election, was it?—A. I think it was the revision just preceding this election.

By Mr. POLLARD:

Q. There were supervisors from the different parties appointed as you have said from each precinct. Now, did the return of the Democratic and Republican supervisors in the same district agree with regard to these names of men who had been or had not been permitted to 104 vote?—A. So far as I recollect there was no disagreement.

Q. Mr. Allen, as chief supervisor, were any complaints or reports made to you concerning bulldozing at any of the precincts of the third Congressional district?—A. Well, hardly in that phraseology.

Q. Please state what complaint was made.—A. Well, I think you will have to refer to the reports themselves as to that. I have nothing in my mind just now. My impression generally, in regard to the third Congressional district, is that the election there was a remarkably quiet one—a remarkably quiet one. If there was anything of that sort took place, it was not of any such moment as to call my attention to it particularly in any of the reports that I saw.

Q. Do you remember whether the Republican supervisor from 105 precinct No. thirty-nine (39), made any returns to you?—A. I couldn't tell you, sir, without an examination of the books. Let me state that there is a part of the third Congressional district that extends into the country. For this part there were no supervisors recommended or appointed.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You have no recollection of any complaints of bulldozing?—A. Not at this time; no, sir.

(Signature waived.)

106 Not being able to complete the taking of said depositions by reason of absence of other witnesses, I do now adjourn the further taking of the same until to-morrow, Tuesday, February 1st, 1881, then to be continued at the same place, at the hour of ten o'clock in the forenoon of that day.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County of St. Louis, Mo.
Term expires March 13, 1882.

No. 3.

1 Pursuant to adjournment as above stated, on the 1st of February, 1881, at the hour of ten o'clock in the forenoon, I continued the taking of said depositions as follows:

CHARLES G. GONTER, who has been heretofore sworn and partly examined, was then recalled to the witness-stand on behalf of the contestant, and further deposeth and saith, as follows:

By Mr. POLLARD:

Question. Will you now please turn to the special registration list for precinct eighty-six (86).—Answer. Yes, sir; here it is.

Q. See if you find on that special registration list for precinct eighty-six (86) the name of Patrick Milan.

Mr. DONOVAN. Counsel for the contestee renew their objection heretofore made, as to all testimony from Mr. Gonter on this matter. And we make the further objection to this mode of procedure, in taking the witness's testimony by piece-meal and alternating him with other witnesses.

A. Yes, sir; I find Patrick Milan here.

By Mr. POLLARD:

Q. Where does he reside?—A. Northwest corner of Ferry and Main streets.

2 Q. Now please look for the name of Thomas Hamilton.—A. Yes, sir; here he is.

Q. Where does he reside?—A. Eight hundred and twenty-six (826) Penrose street.

Q. Now please look for Michael McCann.—A. Michael McCann; Ninth (9th) near Penrose street.

Q. Now please turn to book special registration list for precinct number eighty-four (84).—A. All right, here it is.

Q. Look for the name, please, of James Woodson.—A. Yes, sir; there it is.

Q. What is the residence?—A. Rear of thirty-five hundred and five (3505) Broadway.

Q. What is the number?—A. Thirty-five hundred and five (3505) Broadway, rear.

Q. Now please see if you find the name of Thomas Morris.—A. Yes, sir; thirty-four hundred and four (3404) North Ninth (9th) street.

Q. Is O. H. Myers on that list?—A. Yes sir.

Q. What residence?—A. Thirty-five hundred and twenty-four (3524) Broadway.

Q. Now, please turn to special registration book for precinct one hundred and seventeen (117).—A. Here it is; all right.

Q. See if you find thereon the name of Patrick J. Maloney.—A. Yes, sir.

Q. What is his residence?—A. Ten hundred and five (1005) North Eleventh (11th) street.

Q. Now please turn to book special registration list precinct number one hundred and twenty (120).—A. All right, here it is.

Q. Please see if you find thereon the name of Charles J. Mamarian.—A. Yes, sir.

Q. What residence, please?—A. Twelve hundred and twenty-one (1221) North Twelfth (12th) street.

Q. Now, please turn to book one hundred and twenty-one (121) special registration list, and see if you find the name thereon of James Wilson.—A. Yes, sir.

Q. What residence?—A. Twelve hundred and sixteen (1216) North Sixteenth (16th) street.

Q. Please see if you find the name of Michael McInery.—A. Yes, sir.

Q. What residence?—A. Fifteen hundred and fifteen (1515) Biddle street.

Q. See if you find the name of James Martin.—A. Yes, sir.

Q. What residence?—A. Twelve hundred and twenty-two (1222) North Seventeenth (17th) street.

Q. Now look for the name of John McDonough, please.—A. Yes, sir; it is here.

5 Q. What residence?—A. Sixteen hundred and twenty-four (1624) North Seventeenth (17th) street.

Q. Please look for the special registration list precinct one hundred and twenty-two (122).—A. Correct; here it is.

Q. See if you find thereon the name of Cornelius McCarty.—A. Yes, sir.

Q. Where does he live?—A. Sixteen hundred and seventeen (1617) Biddle street.

Q. W. F. Coalten; do you see that name on that list?—A. Yes, sir.

Q. What is his residence?—A. Sixteen hundred and twenty-seven Carr street.

Q. Martin Trumon; see if you find that name on your list.—A. Yes, sir.

Q. What residence?—A. Twelve hundred and thirty-seven North Seventeenth (17th) street.

6 Q. Please look for the name of C. J. Jare.—A. Yes, sir; his residence is sixteen hundred and twenty-seven Carr street. It is either Zare or Jare. It is not very plain; it might be a J or it might be a Z.

Q. Now, please look for the name of Charles McDonell.—A. Yes, sir.

Q. What is his residence?—A. Ten hundred and fifteen (1015) North Seventeenth (17th) street.

Q. Please turn, Mr. Gonter, to special registration list for precinct one hundred and twenty-three (123).—A. All right.

Q. See if you find thereon the name of Conn McHugh.—A. Yes, sir.

Q. What is his residence?—A. Nineteen hundred and thirty-seven (1937) Division street.

Q. Please look for the name of James Nelson?—A. Yes, sir; here it is.

7 Q. What residence?—A. Twenty hundred and twenty-one (2021) Division street.

Q. Horace W. Jester.—A. Horace W. Jeter is here, sir; lives at twenty hundred and sixteen (2016) Carr street.

Q. How do you spell it?—A. Jeter; it is very plain here.

Q. Now, please look for John Newell.—A. Yes, sir; twenty hundred and twenty-three (2023) Biddle street.

Q. Please look for Alf. Herily.—A. Yes, sir.

Q. And the residence ?—A. Eleven hundred and twenty-four North Twenty-first (21st) street.

Q. See if you find thereon the name of Andy Burns.—A. Yes, sir eleven hundred and twenty-one (1121) North Twenty-first (21st) street

Q. Theodore Bucklin ; do you find that name there ?—A. Eleven hundred and twenty-one North Twenty-first (21st); yes, sir.

8 Q. Now, please look for the name of Charles H. Redfern.—A. Yes, sir; he lives at twenty hundred and nineteen (2019) Division street.

Q. Now, look for Patrick Muldoon.—A. Yes, sir ; here he is.

Q. What residence ?—A. Twenty-one hundred and twenty-nine (2129) Biddle street.

Q. Please look for Albert B. Charlton.—A. Yes, sir.

Q. Residence.—A. Twenty-one hundred and twenty-two (2122) Biddle street.

Q. Now, look for the name of John Limmerick on that list.—A. Yes sir ; twenty-one hundred and eleven (2111) Division street.

Q. Now, Mr. Gonter, please turn to special registration list book one hundred and twenty-four (124), and see if you find thereon the name of S. G. Stapp.—A. Yes, sir.

Q. What residence ?—A. Twenty-one hundred and six (2106) 9 O'Fallon street.

Q. Now look for Michael Halley and see if you find it on your list there.—A. Yes, sir.

Q. What residence ?—A. Twenty-one hundred and sixteen (2116) O'Fallon street.

Q. See if you find there the name of James Shaughnessy.—A. Yes sir.

Q. What residence ?—A. Twenty-one hundred and sixteen (2116) Biddle street.

Q. Now see if the name of Joseph O'Connor appears on that list.—A. Yes, sir.

Q. What residence ?—A. Twenty-one hundred and eleven (2111) Division street.

Q. John T. Maloney ; see if that name appears on that list.—A. Yes sir.

Q. What residence ?—A. Twenty-one hundred and seventeen (2117) 10 Division street.

Q. See if the name of James Conley is on your list.—A. There he is ; but it is James H.

Q. What is his residence ?—A. Twenty-two hundred and twenty-one (2221) Carr street.

Q. Now, please look for Edward Mackey.—A. Here you are ; E Mackey, twenty-two hundred and thirteen (2213) Division street.

Q. Now please look for Frank Manley.—A. Yes, sir ; here it is.

Q. What is the residence ?—A. Twenty-one hundred and twenty (2120) Biddle street.

Q. See if you have the name of James Weiber on that list.—A. Yes sir ; it is James Wider.

Q. What residence ?—A. Twenty-one hundred and twenty-two (2122) Biddle street.

Q. Now please turn to special registration list precinct on 11 hundred and twenty-five (125) and see if you find thereon the name of James A. Duval.—A. Yes, sir.

Q. What is his residence ?—A. Eleven hundred and eleven (1111) North Twenty-fourth (24th) street.

Q. See if you have the name of Henry F. Hendricks.—A. Yes, sir.
 Q. What residence ?—A. Eleven hundred and three (1103) North Twenty-third (23d) street.

Q. See if you have the name of Hugh B. Gaul on your list.—A. There it is, I expect. It looks like Game, but here at the end it is written Gaul.

Q. What is the residence ?—A. Eleven hundred and twenty-six (1126) North Twenty-fourth (24th) street.

Q. Now see if you have the name of Thomas Flanery.—A. Yes, sir.

Q. What residence ?—A. Twenty-five hundred and fifteen (2515) 12 Biddle street.

Q. Now turn, please, to precinct one hundred and twenty-seven (127), special registration list, and see if you have Mathew Nolan.—A. Yes, sir.

Q. What is his residence ?—A. Thirteen hundred and thirty (1330) North Fourteenth (14th) street.

Q. Please look for the name of John W. Burroughs.—A. Yes, sir.

Q. What residence ?—A. Thirteen hundred and thirty-three (1333) North Fourteenth (14th) street.

Q. Now turn, please, Mr. Gonter, to special registration list precinct one hundred and twenty-nine (129).—A. All right.

Q. See if you have thereon the name of Michael O'Leary.—A. Yes, sir.

Q. What residence, please ?—A. 1337 North 17th street.

13 Q. Have you the name there of John Drohan ?—A. Yes, sir.

Q. What residence ?—A. 1335 North 18th street.

Q. Have you also the name of John Maloney on that list ?—A. Yes, sir.

Q. Where does he reside ?—A. He has got no residence.

Q. See if you have the name of Jerry Savage.—A. It is a hard matter to say what that is; that seems to be that.

Q. What is the residence ?—A. Eighteen O'Fallon. There is another number before it, but I can't make it out; eighteen O'Fallon wouldn't do; it looks as if there was a fourteen before it. It is 1410, I suppose. I would call that 18th and O'Fallon; 1410—18th and O'Fallon; the numbers up there are not regular numbers; they are odd numbers up there; it couldn't be eighteen, however.

14 Q. Now please look for John Scanlon.—A. Yes, sir.

Q. What residence ?—A. 1425 North 18th street.

Q. Now look also for the name of Michael Waldron.—A. Yes, sir.

Q. What residence ?—A. 1404 North Eighteenth street.

15 Q. Now, please turn to special registration list precinct 130, and see if you find thereon the name of John W. Riley.—A. Yes, sir.

Q. What residence ?—A. 1952 Cass avenue.

Q. See if you find the name of John Deldy.—A. Yes, sir.

Q. What residence ?—A. 2249 O'Fallon. Now, wait a moment. It is John Delaney, I expect. The registration list shows that is his name. The registrar is instructed here to rewrite the name when not plainly written.

By Mr. DONOVAN:

Q. The plainly written name is Delaney, you say. Was the plainly written name written by the registrar ?—A. Yes, sir. John Delaney, I would call it.

By Mr. POLLARD:

- Q. The name as written by the voter appears to be John Deluy, does it not?—A. Yes, sir.
- 16 Q. And it is Delaney as carried out by some one—by the registrar perhaps. That isn't the handwriting of the voter?—A. No, sir; that is written by the registrar.
- Q. And what is that name?—A. John Delaney.
- Q. Please see if you find the name of J. Galvin.—A. Yes, sir.
- Q. What residence?—A. 2201 O'Fallon.
- Q. Please see if you find the name of T. Hanigan.—A. No; it is B. Hanigan.
- Q. Oh, yes; what is his residence?—A. 1474 North 22d street.
- Q. See if you have the name of Tim Lyons.—A. Yes, sir.
- Q. What residence?—A. 1424 North 22d street.
- Q. See if you have there the name of S. G. Burnside.—A. Yes, sir.
- Q. What residence?—A. 1416 North 21st street.
- 17 Q. Have you the name of Pat. J. Sullivan?—A. Yes, sir.
- Q. What is the residence?—A. 2104 Cass avenue.
- Q. Please look for the name of O. R. McBride.—A. Yes, sir.
- Q. And the residence?—A. 1323 North Second street.
- Q. W. L. Ridgeway, is he on your list?—A. Yes, sir.
- Q. What residence, please?—A. 1952 Cass avenue.
- Q. W. Hardten; have you that name there?—A. Yes, sir; 1952 Cass avenue.
- Q. Have you the name of W. J. Carthy on your list?—A. 1956 Cass avenue.
- Q. Now, Mr. Gonter, please turn to precinct 131 special list?—A. Yes, sir; here is 131.
- Q. See if you find thereon these names: Thomas Gaul.—A. Yes, sir; 2608 Dickson street.
- Q. Also look for the name of G. W. Erman.—A. Yes, sir.
- 18 Q. Residence?—A. 2812 Cass avenue.
- Q. Is that all?—A. There is a letter "E" here.
- Q. Does that mean east of Cass avenue?—A. The numbers out there are not correct; they are numbered on one side of the street, on the north side of the street, and then numbered differently on the south side of the street. On the south side there is about four blocks difference.
- Q. Please look for the name of Michael Tarlotting.—A. Yes, sir.
- Q. What residence?—A. 2801 Dickson, east of 28th street.
- Q. Please look for the name of Joseph Dillinger.—A. Yes, sir.
- Q. Residence?—A. Dickson street, between 27th and 28th streets.
- Q. Now, please look for the name of Ed. Mathews.—A. Yes, sir.
- Q. What is the residence?—A. 2410 Cass avenue.
- Q. Please look for Michael Burns.—A. Yes, sir; Dickson street, between 24th and 25th.
- 19 Q. Edward Nugent; do you find that name on your list?—A. Yes, sir.
- Q. Residence?—A. 2504 Dickson.
- Q. Now, please look for the name of John Mathews.—A. 2505 Dickson street.
- Q. Now, please look for John Maloney.—A. Corner of East Twenty-eighth and Dickson streets.
- Q. Ed. Hogan; do you find that name there?—A. Edward Hogan; yes, sir; Ed. J. Hogan.
- Q. What residence?—A. 2910 Cass avenue.

Q. Will you please look for the name of John Greasley?—A. Yes, sir; I have got it; John Greasley.

Q. What is his residence?—A. 2320 Cass avenue.

Q. Please look for the name of William Walsh on your list.—A. William Walsh, 2329 O'Fallon street.

Q. Please see if you have on your list the name of H. H. G. 20 Smith.—A. 2271 O'Fallon.

Q. Please look for the name of Wyatt H. Taylor.—A. Yes, sir; 2247 O'Fallon.

Q. Now, will you please turn, Mr. Gonter, to special registration list for precinct 133.—A. All right.

Q. And see if you find thereon the name of John Ready.—A. Yes, sir.

Q. What is his residence?—A. 1705 Cass avenue.

Q. Please also look for Ed. Weiber.—A. Yes, sir.

Q. What residence?—A. 1519 North Sixteenth street.

Q. Please look for the name of James Jones. Never mind; you need not look for that. We withdraw that question. Now please look at special registration list precinct 134.—A. All right.

Q. See if you find thereon the name of John L. Fox.—A. Yes, sir.

Q. What residence?—A. Howard, between West Seventeenth and Eighteenth streets.

21 Q. Please look for the name of Thomas Rohan.—A. Yes, sir.

Q. What residence?—A. 1924 Mullanphy street.

Q. Now look for Bernard Sweeney.—A. Bernard R. Sweeney is here.

Q. What residence?—A. 2211 Cass avenue.

Q. Now please turn to special registration list for precinct 145.—A. Here you are.

Q. See if you have thereon the name of H. C. Kirk.—A. Yes, sir.

Q. What residence?—A. 1307 Warren street.

Q. Is that seven?—A. Yes, sir; I would call that a seven—1307.

Q. We have got a memorandum here showing it to be 1317.—A. Well, it might be 17.

Q. State it as near as you can make it. It is either 1307 or 1317.—

A. 1307. I will give the benefit of the doubt to the nought.

22 Q. State whether or not it looks somewhat like 1317.—A. It appears to be 1307.

Q. Has it any appearance of being different from 1307?—A. Yes, sir; it might be 1317.

Q. Now please turn to special registration list for precinct 146?—A. All right.

Q. And see if you find thereon the name of Conrad Toussaint?—A. Yes, sir.

Q. What residence?—A. 1518 Saint Louis avenue.

Q. I will ask you to turn to special registration list for precinct 150, and look for the name of James Blunt.—A. Yes, sir.

Q. What residence?—A. No. 1516 Mullanphy street.

Q. I will ask you to turn to the next book special registration list for precinct 151.—A. All right.

Q. And look for the name of Henry Breen.—A. Yes, sir.

Q. What is his residence?—A. 1912 West Benton street.

Q. Now, I will ask you to turn to another book. Please look for 23 special registration list precinct 153, and see if you find thereon the name of James Saler.—A. Here is a lot of marks, with a statement of the clerk of the poll, stating that to be the man's name.

He lives on the south side of Hebert, between Twenty-first and Twenty-second streets. I suppose that is what it means.

Q. Now, please look for the name of Pierce Murphy on that list.—A. Yes, sir.

Q. What residence ?—A. 2118 Saint Louis avenue.

Q. That address is very different from what we have it here.—A. There can be no mistake about it; it is very plain here. Your copyist has evidently taken the address of the man next under this one; 2118 Saint Louis avenue is the residence as here put down.

Q. Mr. Gonter, now please turn to special registration list precinct 163, and see if you find thereon the name of T. J. Morrison ?—A. I do.

24 Q. What residence ?—A. Eleventh, between Herbert and Davis streets.

Q. Now please turn to another book. Please look for special registration list, precinct 165.—A. All right.

Q. See if you have the name there of Daniel Harvey.—A. It is Harvey here.

Q. Where is his residence ?—A. Little Sisters' Home, on Herbert street.

Q. Now look for the name of John Coppinger.—A. Yes, sir.

Q. What residence ?—A. Little Sisters' Home.

Q. Look for the name also of Peter Mullen.—A. Yes, sir; Little Sisters' Home.

Q. Now look for the name of James Linders.—A. Yes, sir; Little Sisters' Home.

Q. Now for the name of William Dwyer.—A. Little Sisters' Home.

Q. Also for Pat Connell.—A. Little Sisters' Home.

Q. Also look for the name of Thomas Mulcahey.—A. He is registered from the same place, Little Sisters' Home. He registered from Nineteenth and Herbert streets.

Q. Well, that's Little Sisters' Home, isn't it ?—A. Little Sisters' Home, the same.

Q. Tim Reedon, see if you have that name.—A. Little Sisters' Home.

Q. Please look for G. H. Smith.—A. Yes, sir.

26 Q. What residence ?—A. 19th and Herbert streets.

Q. That is the same thing, isn't it ?—A. Yes, sir; it is the Little Sisters' Home.

Q. Please see if you have on your list the name of Martin Ryan ?—A. Martin Ryan.

Q. What residence ?—A. 20th and Herbert streets.

Q. Now, I will ask you to please turn to another book; special registration list precinct 166.—A. Correct.

Q. See if you find there the name of Patrick Herres ?—A. It is here.

Q. What residence ?—A. 21st and Salisbury streets.

Q. Please look for the name of Daniel Clifford on that list.—A. Yes, sir.

Q. What is the residence ?—A. 2907 Kossuth avenue.

27 Q. Will you look at that again ? Is that 2907 or 3907 ?—A. 3907 is correct; 2900 wouldn't be in that precinct.

Q. See if you find the name of W. J. McEntire.—A. Yes, sir.

Q. Where does he reside ?—A. Seventeenth and Bremen avenue.

Q. Dennis F. Maloney; have you got that on your list ?—A. Yes, sir; residence 400 Kossuth avenue.

Q. Please look on that list and see if you have the name of Philip Wiley.—A. Yes, sir.

Q. Residence?—A. Twentieth and Bremen avenue.

Q. Now, turn to another book, please, Mr. Gonter; special registration list for precinct No. 170, and see if you find thereon the name of John Craft.—A. Yes, sir.

28 Q. What residence?—A. John avenue, between Anna and Guy streets.

Q. I will ask you now to turn to another book. Take up special registration list for precinct No. 209, and see if you find thereon the name of Michael Tesson.—A. Yes, sir; Tesson is here.

Q. Where does he live?—A. 3237 Thomas street.

Q. Please look for the name of Pat. Fitzgerald on that street.—A. Yes, sir; he is here.

Q. Residence?—A. 3216 Easton avenue.

Q. Now, see if the name of John Whelan is on there.—A. Wheldon?

Q. Whelan?—A. Yes, sir; 3223 Thomas street.

Q. Now, next look for Ed. O'Brien.—A. Yes, sir; Edward O'Brien, 3237 Thomas street.

29 Q. Now, please turn to special registration list for precinct No. 211, and see if you find thereon the name of Daniel Hazell.—A. 2701 Cass avenue.

Q. Look for the name of John Moll.—A. Yes, sir.

Q. Residence?—A. 1523 Cass avenue.

Q. Mr. Gonter, will you now please turn to special registration list for precinct 219, and see if you can find thereon the name of William Neven?—A. Or Nevez; s or z?

Q. His residence?—A. Is Cary street, between Fourth and Fifth streets.

Mr. DONOVAN. Cary avenue, it reads there.

30 Mr. POLLARD. I will ask you now to turn to another book, please; special registration list for precinct 220, and see if you find the name of John Loudergan.—A. Yes, sir; Bellefontaine, it says.

Q. Bellefontaine road?—A. It doesn't say road. He might live in the cemetery.

Q. Now, look for the name of James Crawley, please?—A. No, sir; I don't find that. I don't find it here. There is no such name here. I have got it here in special registration list precinct 221.

Q. James Crawley?—A. Yes, sir.

Q. What is his residence?—A. Fair grounds.

Q. Now, turn to special registration list for precinct 223, and see if you find thereon the name of H. Wippermann?—A. Yes, sir.

31 Q. Residence?—A. Corner of Bircher road and Goodfellow avenue. They have got that spelled wrong.

Q. Look for the name of J. Mellmann on that same sheet.—A. Yes, sir; he is here.

Q. What residence?—A. Same address.

Q. George Aikens, is he on that list?—A. Yes, sir; same address; Bircher road and Goodfellow avenue.

Q. Have you the name of Luke Tiernan?—A. Yes, sir.

Q. What residence?—A. Bellefontaine road, between Christian and Clay avenue.

Q. I will ask you now to turn to another book, Mr. Gonter; please turn to special registration list precinct No. 243, and see if you find thereon the name of Tony Hain.—A. Tony or Henry?

32 Q. Tony.—A. Yes, sir; his residence is north side of St. Charles Rock road, between Glendale and Belgrade avenues.

Q. Is that west or north?—A. North side; it couldn't be the west side of the St. Charles Rock road, because that road runs west.

Q. I will ask you to turn back now to special registration list precinct 39, and see if you find thereon the name of James Pippin?—A. Yes, sir.

Q. What is his residence?—A. 166 Broadway; that can't be; it says here, "can't be found in book;" that means he is not registered; that is the reason that he gave that; that he was a voter, and they couldn't find his name in the book; he evidently voted, or his name would 33 not be here; I suppose that every one that is here voted; if they had been rejected it would be stated.

Q. I will ask you now to turn to special registration list precinct No. 46.—A. Right.

Q. See if you find thereon the name of Charles D. Lawrence.—A. Yes, sir; 1820 North 9th street.

Q. Look at that residence a little closer, please, and see if that is correct.—A. It is correct, sir; 1820 North 9th street.

Q. It isn't 1522?—A. No, sir.

Q. Please see if you have there the name of G. O. Hall.—A. Yes, sir.

Q. What is his residence?—A. 1718 North 9th street.

Q. I will ask you to turn to special registration list for precinct 34 53, and see if you find thereon the name of C. L. Myers?—A. Yes, sir.

Q. What residence?—A. 1729 North 9th street.

Q. I want to ask you, Mr. Gonter, whether you have in your possession the special registration list for precincts 148, 212, and 238; I don't want to look at them; I simply ask you whether you have them in your possession?—A. Yes, sir.

Q. They have all been returned?—A. There are several that have not been returned; they may be those books.

Q. That is why we asked you whether you have those in your possession.—A. There are some that have not been returned; I don't recollect the numbers; I think there are only two missing in the third Congressional district; 212 and 213 are missing.

35 Q. Have you the special registration list for precinct 148?—A.

Yes, sir; that is here; no, we haven't got it; but I have not got that as missing on my list; I have only two as missing; I have got 148 as returned to the office; I think I looked for it myself in the office.

Q. State whether or not you have that book No. 148 in your possession.—A. No, sir.

Q. Can you tell who the judges and clerks of election were for that precinct?—A. No, sir.

Q. But precinct books 212 and 213 never were returned to you?—A. No, sir.

Q. And you never have had them?—A. No, sir.

Q. What ward are they in?—A. They are in the Twentieth 36 ward, I believe. Yes; they are in the Twentieth ward.

Q. Then you have no record; that is, the city possesses no record of the registration list of those registered in precincts 212 and 213 on election day?—A. No, sir.

Q. And never have had?—A. No, sir; they have never been returned to the office. No. 148 has been returned to me, and it may have been mixed up in some of the other districts. It may be in some of the other

districts, first or second Congressional districts. It may have got mixed up in some way.

Q. Mr. Gonter, the names which you have read this morning are the names of those individuals who registered on election day, are they not?—A. Yes, sir.

Q. State, now, whether or not those men presumably voted.—A. I should think they did.

37 At this point a recess was taken until 1.30 p. m., at which time the parties reassembled.

Mr. Gonter then resumed his examination-in-chief, and the following testimony was elicited :

By Mr. METCALFE:

Q. Mr. Gonter, are you acquainted with the boundaries of the wards and of the voting precincts of the city of Saint Louis, as established by law?—A. Not so that I could relate them by memory.

Q. Have you in your possession any official map or memorandum by which you could refresh your memory as to the boundaries of the different precincts of the third Congressional district?—A. I have, sir.

Q. Will you be kind enough to refer to that map or memorandum?—A. It is not a map; it is a pamphlet giving the boundary lines of the city.

Q. Established by what authority?—A. By city ordinance.

38 Q. State whether or not the voting at the various election precincts in the third Congressional district on the second day of November, 1880, took place in accordance with that ordinance establishing voting districts.—A. Yes, sir.

Q. Will you be kind enough to state what wards of the city of Saint Louis are in the third Congressional district, either from memory or by reference to that city ordinance which you hold in your hand?—A. The 4th, 6th, 8th, 12th, 14th, 16th, 20th, 23d, and part of the 28th wards.

Q. Then there is, as I understand it, besides those you have named, a part of the county?—A. Yes, sir.

Q. That is also in the third Congressional district, you mean?—Yes, sir; part of Saint Ferdinand Township.

Q. Voting precincts for the county outside of the city are not 39 established by city ordinance, but by the county court, are they not?—A. Yes, sir.

Q. Of Saint Louis County?—A. Yes, sir.

Q. And there you have no jurisdiction?—A. We have no jurisdiction there; no, sir.

Q. Not outside of the wards you have named?—A. No, sir. I may not have named all the wards; I can't recollect them all just now, perhaps. I have given you all I recollect.

Mr. METCALFE. Yes, you have named them all.

Q. Will you be kind enough, Mr. Gonter, now to take the special registration list for precinct thirty-eight (38)?—A. Yes, sir. Here it is.

Q. Will you look at that list for the name of William O'Counor?—A. Yes, sir.

Q. What residence?—A. 1541 North Main street.

Q. Mr. Gonter, will you be kind enough now to take that copy 40 of the city ordinance establishing the voting precincts and state whether 1541 North Main street is in precinct number thirty-eight, in which that party registered and voted?—A. That district is bound east by the Mississippi River, south by O'Fallon, west by Broadway,

and north by Florida. I couldn't tell now whether this 1541 is in that district or not.

Q. Can't you by counting the streets be able to tell? We have a map of the city there, if you care to refer to that.—A. That is authority, if you have the map.

Q. I have an official map of the city here if you care to refer to that. Here is Broadway, you see.—A. I can't tell by those figures, those are only the blocks, not streets.

Q. But wherever the names of the streets occur, can you not tell by counting from Market street up the number of the block, and in 41 that way tell the block in which 1500 would be, beginning with Market street?—A. I would have to count the whole thing up then. If I was at my office I could tell the number in two minutes where it was.

Q. Have you an official map at your office?—A. Yes, sir. I have a copy, but that can't be taken down; if you have got many of these numbers—

Mr. METCALFE. Yes, I have quite a number of them.

The WITNESS. If you have a great many of them you can save time by going to the office there.

Mr. METCALFE. I couldn't go to the office.

Q. Is that a very large map that you have?—A. The map is sixteen feet long. The numbers of the houses are on the map.

Q. You could tell at a glance then?—A. I could tell at a 42 glance; I could tell in a second.

Q. You wouldn't be able to compute that from that map now here present, Mr. Gonter?—A. I could by taking time to do it.

Mr. METCALFE. Well, we couldn't possibly go up there to take the testimony. I want to get at it in some way. I want to know whether that party—

WITNESS. (Interrupting.) Well, if you have got many of those questions to ask—

COUNSEL. We have a great many. If two men could bring that map down, I could send up for it.

WITNESS. They could bring down the old one, that will answer the same purpose. The old one can be rolled.

COUNSEL. Will you give an order for it, and I will send right up for it?

A. Yes, sir.

(Witness complies with the request of counsel.)

COUNSEL. This map which you purpose to get now, is a very large one you say?

WITNESS. Yes, it is sixteen feet long, but it can be rolled up. 43 (In order to give time to the messenger to bring the map referred to, a short recess was taken at this point. The map then being produced the examination was resumed, as follows:)

By Mr. METCALFE:

Q. In what precinct would he be entitled to vote?

WITNESS. Please read the question again.

Q. "Mr. Gonter, will you be kind enough now, to take that copy of the city ordinance establishing voting precincts, and state whether 1541 North Main street is in precinct number thirty-eight, in which that party registered and voted?"—A. 1541 is in precinct thirty-nine.

Q. Will you now take the special registration list for number forty-three?

The WITNESS. I will make this statement in regard to that 1541;

44 there is a jump of numbers there from fourteen hundred to Cass avenue and Florida ; the proper number would be in thirty-nine ; he may have the wrong number on his house ; I don't know anything about that ; I would locate him in thirty-nine if he came to my office to register.

Q. Will you please look upon the registration list for precinct forty-three ?—A. Yes, sir.

Q. Will you look and see if you find thereon the name of William Dunn, about which, I believe, you have already testified ?—A. Yes, sir ; he is in No. 1241 North Seventh street.

Q. Will you be kind enough, Mr. Gonter, to see whether number 1241 North Seventh is in precinct number forty-three ?—A. No, sir ; it is precinct forty-nine.

Q. It is not in forty-three, then ?—A. No, sir.

Q. It is in forty-nine ?—A. Yes, sir ; 1241 North Seventh street is in forty-nine.

45 By Mr. DONOVAN :

You can make any explanation, as you go along, how these mistakes may have occurred.

WITNESS. There is no mistake about it. I am just stating to you now what district I would register the man from provided he came into my office for registration.

Q. You don't know, as a matter of fact, whether they are mistakes or not ?—A. No, sir.

Q. You don't know whether or not the party who registered in this precinct voted on election day ?—A. No, sir.

Q. You don't know whether the party thus registered in that voting precinct voted improperly in precinct forty-three ; you don't know whether he voted correctly in forty-nine or not ?—A. No, sir.

By Mr. METCALFE :

46 Q. Now, will look upon that same list, number forty-three, and see if you find the name of Mark Byrne ?—A. Yes, sir.

Q. Please state what his residence is.—A. 1411 North Seventh street.

Q. Will you be kind enough to look upon your map and see whether that is in precinct forty-three ?—A. 1411 is in precinct fifty.

Q. It is not in forty-three, then ?—A. No, sir.

Q. Will you look upon registration list for number fifty ? You have the special registration list for precinct fifty, have you ?—A. Yes, sir.

Q. Look for the name of Edward Murphy.—A. Edward Murphy.

Q. What is his residence ?—A. 1418 North Seventh street.

Q. Will you be kind enough to look upon your map and see 47 whether 1418 North Seventh street is in precinct fifty ?

Mr. DONOVAN. He must be.

WITNESS. No, sir ; he is in forty-three. I will explain this.

Mr. DONOVAN. Just make your explanation as you go along.

WITNESS. It is simply this : Seventh street is the dividing line of the district ; the odd number is on one side and the even number is on the other.

By Mr. METCALFE :

Q. 1418 North Seventh is not in precinct fifty ?—A. No, sir ; it is in forty-three. The even numbers are on the east side of the street. They are simply on the wrong side of the street here in this registration.

Q. Will you please take special registration list for precinct one hundred and twenty-three and see if you find thereon the name of John Limmerick?—A. Yes, sir.

Q. What residence?—A. 2111 Division street.

48 Q. Will you be kind enough to look upon your map and tell me whether 2111 Division street is in precinct one hundred and twenty-three?—A. 2111 is in one hundred and twenty-four.

Q. And not in precinct one hundred and twenty-three?—A. No, sir.

Q. Will you look on that same list for the name of Albert B. Charlton?—A. Yes, sir. 2122 Biddle street.

Q. Will you be kind enough to look upon your map and see whether that is in precinct one hundred and twenty-three—whether 2122 Biddle street is in precinct one hundred and twenty-three?—A. It is in precinct one hundred and twenty-four.

Q. It is not in one hundred and twenty-three?—A. No, sir.

Q. Will you look for the name of Patrick Muldoon on that same list?—A. Yes, sir. 2129 Biddle street.

Q. Will you be kind enough to look upon your map and see whether 2129 Biddle street is in precinct one hundred and twenty-
49 three?—A. It is in one hundred and twenty-four.

Q. It is not in one hundred and twenty-three?—A. No, sir; it is in one hundred and twenty-four.

Q. Now look on the list, if you please, for precinct one hundred and thirty-one.—A. All right.

Q. Will you look for the name of John Greasely?—A. Yes, sir.

Q. What is his residence?—A. 2320 Cass avenue.

Q. Will you be kind enough to look upon your map and see whether 2320 Cass avenue is in the one hundred and thirty-first precinct.—A. One hundred and thirty-one—yes, it is in that precinct.

Q. Is that 2320 Cass avenue?—A. Yes; that is Cass avenue, right in there, you see; and there is that number. Cass avenue is the dividing line.

50 Q. The eastern boundary is Twenty-fourth street, isn't it?—

A. I don't go by the streets at all; I go by the number of the house. 2320 is in one hundred and thirty-one. Even numbers are on the south side of the street.

Q. In the boundaries as established by city ordinance—you go by them, do you not?—A. Yes, sir.

Q. This is laid out according to the boundaries as established by city ordinance?—A. Yes, sir; Twenty-fourth is the eastern line, Jefferson avenue is the the west, and Cass avenue north.

Q. Would 2320 be between Twenty-fourth and Twenty-fifth on that street?—A. No, sir; between Twenty-fifth and Twenty-sixth.

Q. 2320 would?—A. Yes, sir. He may have a wrong number on his house. I am just giving you now where I would register a man if he came to my office.

51 Q. Now look for the name, please, of William Walsh.—A. Yes, sir; 2329 O'Fallon street.

Q. Will you look on your map and see if it is in precinct one hundred and thirty-one?—A. One hundred and thirty-one; it is in that precinct.

Q. That is in the proper precinct, is it?—A. Yes, sir.

Q. Then look for the name of H. H. G. Smith?—A. Yes, sir.

Q. What is his residence?—A. 2271 O'Fallon street.

Q. Will you tell me whether that is in precinct one hundred and thirty-one?—A. One hundred and thirty-one; yes, sir; that is right.

Q. Will you look upon the special registration list for one hundred and thirty-one ?

WITNESS. You are going backward, are you ?

COUNSEL. Yes.

Q. Will you please look for the name of W. S. Ridgeway ?—
52 A. Yes, sir.

Q. What is his address ?—A. 1952 Cass avenue.

Q. 1952 Cass avenue. Will you be kind enough to look up your map and see whether it is in precinct one hundred and thirty ?—A. One hundred and thirty ; yes, sir.

Q. Will you please turn now to special registration list number forty-three ?—A. All right, here it is.

Q. Will you be kind enough to look for the name of William McCash ?—A. Yes, sir ; 1317 Broadway.

Q. Will you be kind enough, Mr. Gonter, to look upon your map and see whether 1317 Broadway is in precinct forty-three ?—A. Yes, sir ; forty-three.

Q. Look on that same list for Peter Gebbens.—A. Yes, sir.

Q. What is his address or residence ?—A. 1327 North Seventh street.

53 Q. Will you be kind enough, Mr. Gonter, to look upon your map, and see whether 1327 North Seventh is in precinct forty-three ?—A. 1327 is in district fifty.

Q. And not in forty-three ?—A. And not in forty-three.

Q. Now, if you will be kind enough to get special registration list for precinct thirty-seven.—A. Yes, sir ; here it is.

Q. Will you please look for the name of Robert M. Lowry ?—A. Yes.

Q. What residence ?—A. 1117 Broadway.

Q. Will you state if that is in precinct thirty-seven ?—A. No, sir.

Q. In what precinct is it ?—A. It is in forty-one.

By Mr. DONOVAN :

Q. Mr. Gonter, you understand you are at liberty to state how a mistake in assignment might be made ?—A. It might be made 54 by his registering on the west side when he should have registered on the east side.

By Mr. METCALFE :

Q. Do you see the name of Henry Froelich in thirty-seven ? This is the name, you remember, you stated looked like Froelich.—A. Is that at 1102 Broadway ? Here is the one that looks like that.

Q. Yes; 1102 Broadway. Never mind that. Will you please find registration list for precinct fifty-two, and look thereon for the name of John Whelan ?—A. Yes, sir.

Q. What address ?—A. 901 North Ninth street.

Q. Is 901 North Ninth street in precinct fifty-two ?—A. No, sir.

Q. What precinct is it in ?—A. Twenty-sixth.

55 Q. Is that in the third Congressional district ?—A. No, sir ; it is in the second.

Q. In what Congressional district ?—A. In the second Congressional district 901 North Ninth is.

Q. That is in the second Congressional district ?—A. That is in the second Congressional district.

Q. Will you now please look at special registration list for precinct one hundred and twenty-two ?—A. Yes, sir.

Q. Look for the name of Cornelius McCarty.—A. Yes, sir ; No. 1617 Biddle street.

Q. Is that in precinct one hundred and twenty-two?—A. One hundred and twenty-one.

Q. He is not in precinct one hundred and twenty-two?—A. No, sir; 1617 Biddle is in one hundred and twenty-one.

Q. Now look on that list that you have there, precinct one
56 hundred and twenty-two, and see if you have the name thereon of
W. F. Coulter.—A. 1627 Carr street, district one hundred and
nineteen.

Q. That is not in district one hundred and twenty-two, then?—A.
No, sir.

Q. Now please look for the name of C. J. Jane.—A. 1627 Carr. That
would be in district one hundred and nineteen.

Q. That is not in precinct one hundred and twenty-two either, is it?
—A. No, sir.

Q. Now look at this list for the name of Charles McDonnell.—A.
Yes, sir; 1015 North Seventeenth street.

Q. Is that in precinct one hundred and twenty-two?—A. No, sir;
that is in district one hundred and five, in the second Congressional
district.

Q. In the second Congressional district?—A. Yes, sir.
57 Q. Will you look on that special registration list for precinct
thirty-nine, please?—A. Yes, sir.

Mr. DONOVAN. Counsel for contestee objects to all this testimony
and all questions to the same purport, for the reason that the numbers
given by the witnesses of their residences may have been erroneously
taken down upon the day of election, and there is no evidence that
these gentlemen voted, nor is there any evidence as to who they voted
for, if they voted at all.

By Mr. METCALFE:

Q. Now, will you please look upon special registration list for pre-
cinct thirty-nine?—A. Yes, sir.

Q. Will you please look for the name of J. G. Griffin?—A. No, sir;
there is no Griffin here in thirty-nine; it is not on this book.

Q. Will you now please turn to special registration list, precinct
58 eighty-five, and will you look for the name of Mike Gormley?—
A. Yes, sir; 712 Ferry street.

Q. Will you be kind enough to look upon your map and see if 712
Ferry street is in precinct eighty-five?—A. There are no numbers on
the houses up there on Ferry street.

Q. Will you be kind enough to state whether Ferry street, or any
part of Ferry street, is in precinct eighty-five?—A. No, sir; no part of
it is in eighty-five.

Q. See if any part of Ferry street is in precinct eighty-five.—A. No,
sir; it is in eighty-six, eighty-seven, and one hundred and sixty-nine,
the entire length of it.

Q. Now will you please look for special registration list for precinct
two hundred and twenty-three, and look thereon for the name of John
Mellmann?—A. Yes, sir.

59 Q. What is his residence?—A. Corner Bircher road and Good-
fellow avenue.

Q. Is that in precinct 223?—A. I haven't got that map here; it is
in the twenty-third ward; that is in the new limits; I haven't got that
map with me; Bircher road is in the third Congressional district.

Q. Is not that road in the second Congressional district?—A. No,
sir; I would say from memory that it was in district 223.

Q. From your memory, would you say that they were in district 223 ?

—A. Yes, sir.

WITNESS. Have you got the poll-book here ?

COUNSEL. No, sir.

WITNESS. Well, I mean your set of books ; you see they are registered in 240. Bircher road is in the second Congressional district.

60 COUNSEL. If you will look up that matter, Mr. Gonter, and let us know hereafter we will question you further about that road ; about Goodfellow avenue and Bircher road.

Q. Look on that same list, Mr. Gonter, for the name of Henry Wipperman, and see whether he appears on that registration list. Please look also for George Aikins.

WITNESS. They are both registered in the same place.

By Mr. DONOVAN :

Q. Your present impression is that this Bircher road is located in two hundred and twenty-three ?—A. Yes, sir.

By Mr. METCALFE :

Q. I will ask you, Mr. Gonter, to please look for those names carefully, as I desire to ask you further regarding them ?—A. I don't care about the names ; just simply give me the location.

(Mr. Metcalfe thereupon prepares a memorandum which he hands to the witness.)

61 Q. State if that location is in precinct two hundred and twenty-three.—A. Yes, sir ; that is in precinct two hundred and twenty-three.

Q. Now, please turn again to special registration list number one hundred and twenty-three, if you can get at it.—A. Very readily.

Q. I haven't got many more names on that book.—A. Here it is ; one hundred and twenty-three.

Q. Now, please look for Theodore Bucklin.—A. Yes, sir.

Q. What number ?—A. 1121 North Twenty-first street.

Q. Will you be kind enough to look at your map and see whether that is in precinct one hundred and twenty-three ?—A. No, sir ; it is in district one hundred and twenty-four.

Q. I think that finishes those names as far as we have got to-day.
62 Now, I want to ask you a few further questions ; the names which you have read off, Mr. Gunter, and compared with the map which you have before you, and testified in reference to the location of their residences, are the names of parties whom you found upon the special registration lists in the different precincts, made up before election day, in accordance with the law governing such ; I mean the law of registration and election.—A. Yes, sir.

Q. Will you state what the map that you have compared it with is ?—A. It is a map that we make all registration by. It is the official map that we use ; the very map that was used the last election.

Q. Mr. Gonter, in reference to precinct thirty-seven, I believe that is the precinct—

WITNESS. Yes, sir ; thirty-seven.

Q. Did you examine the list of names as certified to you to have 63 been registered on election day in precinct thirty-seven, and compare that list with the general registration books in the office of the city register, Mr. Richard Walsh, which purported to be copied from the list ; if so, state what was the result of that comparison so made by you ?—A. I compared the two and found—

Q. What was the result of your comparison; did you find them to be similar?—A. Not altogether.

Q. In what respect did it differ, if you will just state that explicitly?—A. I found that there were five names entered upon Mr. Walsh's books that were not on the registration books—not upon the special registration books—registration sheets.

64 Q. Will you give those names?—A. They were Edward Jenks. Do you want the number, too, Mr. Metcalfe?

Q. Yes, if you please.—A. Twelve hundred and fifty-four Collins street, on the special registration sheet; Michael McGowen, 1131 North Second street; Joseph Wright, Ashley building; Owen Maloney, 110 Biddle; Thomas Byrne, northwest corner Second and Carr. I also found, as having been registered on the registrar's sheet returned to me, the following names which were not in the poll books: Edward Tungent, 1254 Collins street (same address as you will find above for Edward Jenks's name); Julius Bamberg, 1238 Broadway; William O'Brien, 300 Biddle street; Joseph Speeir, 1200 Broadway; that 65 is all. I also compared one or two other sheets and found them correct.

Q. The list as returned to you by the registrar was supposed to be the official list, was it not?—A. Yes, sir.

Q. What do you understand by the list as found in the city register's, Mr. Walsh's, book?—A. The law requires that those names shall be copied into poll books.

Q. Copied into poll books?—A. Yes, sir.

Q. But the law also requires that each voter registering and voting on election day in accordance with that law shall subscribe his name?—A. Yes, sir; that is, where he can write it himself.

Q. In examining this list of books of Register Walsh, did the 66 names appear to be in the writing of the party who voted, or in the writing of the register?—A. They were all in one handwriting; it was supposed to be done by a clerk.

Q. From your comparison of the two lists you find that there were five voters who appeared to have registered and voted on that day, who had not previously subscribed their names in accordance with the law—who were not registered as the law requires—but were registered at the polls on the day of the election?—A. They were not registered; these five names were not registered at all; but they were put in the poll books as having been registered; but there is nothing to show for it on the list.

Q. From what you know of the registration on that day, from 67 the list as made out, would you be willing to say that those parties voted?

Mr. DONOVAN. We object because it is calling for an opinion of the witness. He has no knowledge of the fact as to whether they did or did not vote.

By Mr. METCALFE:

Q. It is presumed, is it not, Mr. Gonter, that they voted; that if they went to the trouble of registering they also voted?—A. It is presumed so.

Mr. DONOVAN. We object on the ground that we do not desire Mr. Gonter's opinion. We want to know the facts.

By Mr. METCALFE:

Q. You don't know, as a matter of fact, whether any party who registered on election day voted?—A. No, sir.

Q. You don't know that as a matter of fact; you haven't examined their ballots?—A. No, sir.

Q. So you don't know?—A. No, sir.

Q. Isn't that a strong presumption that parties who took the trouble and went to the polls and registered on election day voted?—A. I should think so.

Not being able to complete the taking of said depositions, by reason of want of time, I adjourn the further taking of the same until to-morrow, Wednesday, February 2, 1881, at the same place, at the hour of 11 o'clock, in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County of Saint Louis, Mo.,
Term expires March 13, 1882.

H. Mis. 27—8

No. 4.

1 Pursuant to adjournment, as above stated, on the 2d day of February, 1881, at the hour of 11 o'clock in the forenoon, the counsel representing contestant and contestee and the notary met, but owing to absence of the witness now being examined, by consent of all parties the further taking of these depositions was continued for 2 o'clock of the afternoon of this day, at which time, all parties being present, the examination of Mr. CHARLES G. GONTER was resumed on the part of the contestant and he thereupon continued his deposition as follows:

By Mr. METCALFE:

Question. Mr. Gonter, do you remember on yesterday's examination I questioned you in reference to some names upon the registration list for precinct 223. If it is convenient will you now please turn to that list again.—Answer. Yes, sir.

Q. Will you look thereon for the names of John Mellmann, Henry Wipperman, and G. Aikin ?—A. Yes, sir.

Q. What is their residence there ?—A. The residence is corner of Bircher road and Goodfellow avenue.

2 Q. You remember you told me yesterday that you were not able at that time to tell me from your map which you had present where that locality was, inasmuch as that was in the new precincts, and your old map, which you have here, does not contain district 223. Have you since found that district ?—A. I have found these names registered in 240 in the second Congressional district.

Q. You did not find them registered then in 223 ?—A. No, sir; I found their location there in 240.

Q. Then their residence is not in precinct 223 ?—A. It is not situated in 233; no, sir.

Q. Mr. Gonter, will you please state whether or not on the day of election there were parties at your office claiming to have been registered, and to have offered to vote, but that the irnames were illegally and improperly stricken from the registration list, and they desired to get some way at least of voting—to have their vote counted. Will you state whether or not there were not a great many parties at your office for that reason ?—A. Yes, sir; there were a great many.

Q. You were at your office at that time, were you ?—A. Yes, sir; all day.

Q. Can you state whether or not a large proportion of them at least were colored men ?—A. No; not a large proportion.

Q. State whether or not there was a large number of them ?—A. There was a number of colored men there.

Q. What was the complaint generally; what seemed to be the trouble ?—A. They had various complaints; some claimed to have 4 been registered, and had been wrongfully stricken off; and others that they had wished to transfer. Some moved their residences and wished to transfer on that day.

By Mr. DONOVAN:

Q. Which under the law they could not do ?—A. Which under the law they couldn't do.

Q. Both white and colored ?—A. Both white and colored.

By Mr. METCALFE:

Q. Where parties came to your office who claimed to have been registered whose names had been stricken from the list—who claimed that their names had been stricken from the registration lists—you didn't know of course whether it was so or not. Did you give them any paper, certifying that they had been registered, by which they could vote, or which they could produce at the polls for the inspection of the judges and clerks?—A. No, sir; to some of them I did give a certificate, but which did not entitle them to vote.

5 Q. Did not entitle them to vote?—A. No, sir; that certificate did not entitle any such parties that had been stricken off the list to vote; that did not give them the right to vote.

Q. What was the certificate?—A. The certificate simply stated that they had been previously registered in this office, and were stricken off by the board of revision.

Q. That was all?—A. That was all.

Q. And that did not entitle them to vote?—A. No, sir.

Q. Then those that came to your office claiming that their names had been stricken from the list, claiming also that they had been registered, received nothing of you by which they were allowed to vote?—A. No, sir; I allowed no one to vote. I will also say that no one 6 could give them any such paper; and they couldn't vote unless they had registered on that day, or prior to that day.

Q. Mr. Gonter, previous to the election, a voter could change his residence upon your books, could he not, at any time, by going to your office?—A. Yes, sir.

Q. Then a voter, or a party moving, could change his residence from the place appearing on the poll-books as being his residence to the proper one?

Mr. DONOVAN. We object to that, on the ground that the statute will speak for itself on that subject.

A. Yes, sir.

By Mr. METCALFE:

Q. As a matter of fact, you did effect transfers for parties in that way?—A. Yes, sir.

Q. State whether or not under the law a party could otherwise than by going to your office personally make a transfer of his residence on your books?—A. Yes, sir; yes, sir.

Q. In what way?—A. He could do so by reporting. The law says he shall report to the recorder of voters not in person at all; he can report through anybody; he can report through you if he wants to.

Q. Then, as I understand it, a transfer could be made by anybody for anybody else?—A. Yes, sir; if the recorder of voters will accept the party. If he is a respectable party, if he wishes to transfer another name he can do it.

8 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Gonter, you have been several days upon the stand reading over a wearisome list of names. Can you tell now whether or not you have any personal acquaintance with any name that you have read, or with any party whose name you have read?—A. I know one of them, but one, personally. I may know some of the other parties if I was to see them.

By Mr. METCALFE:

Q. But you don't know them by name?—A. No, sir.

9 By Mr. DONOVAN :

Q. Do you know whether or not any of these parties whose names you have read voted on election day, or know for whom they voted ?—A. I do not.

Q. You were not present, to the best of your knowledge and belief, when any of these parties voted, if they voted at all ?—A. No, sir; I know nothing about them.

Q. You then have simply been reading names that you have found upon special registration books ?—A. Yes, sir.

Q. You were examined yesterday in regard to the name of William F. Coulter, a name that appears upon the special registration book, precinct one hundred and twenty-one. His residence was given by you as 1627 Carr street, and you found that he should have voted in 10 precinct one hundred and nineteen. That was your testimony, I believe ?—A. I don't recollect the name at present; that is, I don't recollect I mean the address.

Q. Have you the book there ?—A. Yes, sir. What district was it ?

COUNSEL. In one hundred and twenty-one. Please look at it.—A. That is not in one hundred and twenty-one; I have got it here; it is in one hundred and twenty-two; 1627 Carr street is.

Q. It was in precinct one hundred and twenty-two then ?—A. Yes, sir.

Q. Your testimony was that he should have voted in one hundred and nineteen. Please look on the map and ascertain where he should have voted.—A. He should have voted at one hundred and nineteen.

Q. Have you had any conversation with him since yesterday ?
11 —A. I met him an hour ago. Since my testimony of yesterday; yes, sir.

Q. What did he have to say to you ?—A. He charged me with misrepresenting him.

Q. Did he inform you of his politics ?—A. He did.

Q. Did he inform you as to whom he voted for ?—A. Yes, sir.

Q. For whom did he state ?—A. For Mr. Sessinghaus.

Mr. METCALFE. We object to all this testimony as to what Mr. Coulter said to this witness for very obvious reasons. Mr. Coulter is obtainable.

By Mr. DONOVAN :

Q. What is his business ?—A. I think he is the commercial reporter of the *Globe-Democrat*.

Q. What is the politics of that paper ?—A. Republican.

Q. You met him by accident in going to dinner, you say ?—A.
12 Yes, sir; I happened to meet him as I was going down to see that gentleman there sitting on the sofa [referring to a reporter] with a view to correcting a statement which had appeared in the *Globe-Democrat*, and Mr. Coulter met me—tackled me, and stated that he had been selected out as a fraudulent voter; that I had selected him out as a fraudulent voter. That it seemed to be the idea that he had voted for Mr. Frost, and that neither of these suppositions was correct; that he had voted for Sessinghaus. I asked him the question direct, "Did you vote for Frost or Sessinghaus ?" "No," said he, "I voted for Sessinghaus." I just accidentally happened to meet him. I did not know him until I was told by himself that he was the party.

Q. How long have you resided in this city ?—A. About thirty-five years.

Q. How long have you been recorder of voters ?—A. About two years; two years yesterday, I believe, 1st of February.

13 Q. I find stated in the notice of contest this charge: "That a large number of men, legal voters, to wit, two hundred or more, residing in the said third Congressional district, and legally entitled to be registered, properly presented themselves for registration within the proper time and at the proper place, namely, the office of the register of voters for the city of Saint Louis, who were illegally and unlawfully refused registration, or whose names were intentionally or negligently left off the registration lists at said office, and thereafter said voters presented themselves at the polls on the day of said election and offered to vote, but their votes were refused and not counted by the judges of election, because their names did not appear on the poll-books, and that all of said voters were Republicans, and offered to vote for me [Mr. Sessinghaus] and would have voted for me [Mr. Sessinghaus.]." I would like to know from you, now, whether or not there is any truth in that charge.

14 Mr. METCALFE. Mr. Gonter, don't answer that question until I make an objection. Counsel for contestant objects to this question on the ground that there is not and has not been any testimony elicited from the witness in reference to that part of the petition, nor has there been a question put to the witness in reference thereto.

A. That is a charge that cannot be substantiated, and I venture the assertion that there is not a respectable Republican nor a Democrat in this city that will question my integrity or honesty in the discharge of my official duties. And I am satisfied that neither Mr. Sessinghaus nor his eminent attorneys entertain such an opinion in regard to myself.

Mr. METCALFE. You are right, Mr. Gonter. We have no doubt about that. I will testify about that myself, if necessary, and if you will allow me to make a stump speech—

15 WITNESS. [Interrupting.] There is no need of that. I will say this: That the Globe-Democrat has offered a hat to the man who can prove how Henry Overstolz voted. I will make the same wager that no man can come to me and successfully prove that he was wrongfully refused registration.

Mr. METCALFE. There has not been the slightest intimation by the counsel in this case on the part of the contestant so far as the testimony is concerned—and as you know, Mr. Gonter, there has nothing so far been elicited to in the least reflect upon you individually. We have established pretty clearly that dirty work was done outside of your office, and upon the registration list; and we shall establish the same in our own way and in our own time; as far as you are personally concerned we have not the slightest doubt as to your character

16 and your integrity. That question has never been raised by counsel for contestant.

Mr. DONOVAN. I have simply read to the witness the charge made by the gentlemen in their notice of contest, and his answer is as above, that there is no truth in it, and that fact is now admitted by counsel for contestant.

Mr. METCALFE. Please don't make the counsel for contestant admit anything except what he said. The counsel for contestant, however, is willing to admit that Mr. Gonter personally in the discharge of his duty as register of voters has been perfect, fair, and impartial; and the attorneys for the contestant, therefore, as far as Mr. Gonter is personally concerned, know of nothing whatever which in any way connects him personally with any fraud or wrong.

By Mr. DONOVAN:

Q. Now, Mr. Gonter, I would like to know whether you were ac-

17 acquainted with the members composing the board of revision.—A. With some I was personally acquainted; others I knew by reputation only.

Q. Were they or were they not prominent citizens of St. Louis ?—A. They were.

Q. Did they or did they not have a reputation for integrity and fair dealing ?—A. I think so.

Q. Now, I find the charge made in this notice of contest that: "The names of a large number of legal voters, namely, one thousand and more residing in said third Congressional district who had been properly registered were between the dates of their registration and said election improperly, illegally, intentionally, and fraudulently stricken from the registration lists, and therefore were not to be found upon the poll-books used by the judges of election at said election, 18 and when the voters whose names were thus stricken off presented themselves at the polls on said election day, their votes were refused, and not counted by the judges of election." That these men were colored men and would have voted for Mr. Sessinghaus. I would like to know what truth there is in that charge.—A. That is a question that I cannot answer. The board of revision is not connected with my department whatever.

Q. What relation did you hold to them during the time they were performing the duty assigned them ?—A. Their secretary.

Q. Do you believe that, in the performance of their duty, they endeavored to act fairly ?—A. I should judge so.

Q. Were complaints made to you by parties whose names were stricken off or omitted from the list ?

WITNESS. At what time do you allude to ?

19 COUNSEL. After they had completed their work.

A. There were.

Q. Can you answer me now whether or not the majority of those who made complaint to you for being stricken off or omitted from the lists—whether they were Democrats or Republicans ?—A. I could not answer the question.

Q. Were they colored or white ?—A. Both.

Q. You do not know their politics ?—A. No, sir.

Q. Do you know what was the politics of the members of the board of revision ?—A. I do not; not all of them.

Q. The board of revision was composed of both Republicans and Democrats ?—A. Yes, sir.

Q. You do not know what proportion of Republicans there were 20 upon the board ?—A. No, sir.

Q. What is the name of the mayor of the city of Saint Louis ?—A. Henry Overstolz.

Q. It was he who appointed the members of the board of revision ?—A. Yes, sir.

Q. Do you know how he voted at the last election ?—A. No, sir; I do not.

By Mr. METCALFE:

Q. You have not got the hat, then, which the Globe-Democrat offers for that information ?—A. No, sir.

By Mr. DONOVAN:

Q. In the formation of this board of revision the mayor of the city of Saint Louis appointed men from different political parties ?—A. Yes, sir; he did.

Q. You acted as secretary of that board, and were present during their deliberations?—A. Yes, sir.

21 Q. Do you know now of a single name that they struck off from the lists that was stricken off improperly?—A. Yes, sir; several of them were stricken off improperly.

By Mr. METCALFE:

Q. Several that you know of you mean?—A. Several that I know of; yes, sir.

By Mr. DONOVAN:

Q. Was it by mistake, or corruptly done?—A. I think it was by mistake. That was by mistake, too, of these that I speak of. They were Democrats as well as Republicans that were stricken off.

By Mr. METCALFE:

Q. You are speaking now of cases that you know of—that were brought to your knowledge?—A. Yes, sir; a few that came to my office.

By Mr. DONOVAN:

22 Q. The names that were thus improperly omitted or stricken off were the names of parties who were Democrats as well as of parties who were Republicans?—A. Yes, sir; both.

Q. The action of the board in regard to the few that you now speak of was, if anything, simply an oversight?—A. I think it was an oversight.

Q. It was no intention to deal with this subject unfairly?—A. I should take it there was not a member of that board that would do an injustice to any man.

Q. The inquiry was made of you, I think, whether or not the machinery of the city government was under the control of the Democratic party. I would now like to ask you (since I believe you to be familiar with the subject), what is the history of the election of the present city government? I believe you can give that.

WITNESS. You speak of the present mayor and officers of the city?

23 COUNSEL. Yes, sir.

WITNESS. You want me to state that?

COUNSEL. Just go on and state it as you recollect it.

WITNESS. I don't know what you are striving to get at. In the first place, you want to know how they were nominated before election?

Mr. DONOVAN. I want to know upon what ticket, or rather I want to know how Mr. Overstolz came to be mayor of the city of Saint Louis.

Mr. METCALFE. He is the only citizen connected with the administration of city affairs that can probably tell you.

24 WITNESS. Mr. Overstolz was nominated by the Democratic convention, and was also recommended by the Republican convention. A third party sprung up which called themselves "Bolting Republicans and Democrats." The Democrats bolted the Democratic convention, and the Republicans bolted the Republican convention, and united upon Mr. Hudson as a third candidate for mayor. Mr. Overstolz at that election was elected. Having received the Democratic nomination, he, of course, was claimed as a Democrat. That is the history of that election.

By Mr. DONOVAN:

Q. Then, in your judgment, was he elected by the Democratic or Republican voters?—A. He was elected by both.

Q. That being the case, what has since been the conduct of his administration in the appointment of officers?—A. He has divided them between the two political parties.

Q. And the Democrats are very loud in their complaints of him for so doing?—A. Yes, sir; some portion of them.

Q. But he has been persistent in his course?—A. Yes, sir.

25 Q. Appointing both Republicans and Democrats to office?—A. Yes, sir.

Q. Dividing the patronage of the city?—A. Yes, sir.

Q. And he acted thus in the appointment of the members of this board of revision?—A. Yes, sir.

26 Q. Now, Mr. Gonter, will you please turn to book of registration list for precinct 153? What book is that which you now hold in your hand?—A. Special registration-book 153.

Q. Will you please inform me whether there appears upon that book the name of Henry Heidenreich?—A. Yes, sir.

Q. Will you please state what residence is on that list opposite that man's name?—A. 1903 University street.

Q. Does the name of Joseph Britt appear on that book?—A. It does.

Q. What is his residence?—A. 1907 University street.

Q. Does the name of Henry Harig, jr., appear upon that book?—A. It does.

Q. What is his residence?—A. It is corner of 20th and Dodier street.

Q. Does the name of Charles Turgens appear upon that list?—A. Yes, sir.

27 Q. What is his residence?—A. The south side of Dodier between 21st and 22nd.

Q. Does the name of William Oldvater appear on the list?—A. Yes, sir, William Oldvater.

Q. What is his residence?—A. 2554 University street.

Q. Does the name of Gotlieb Biermann appear on that list?—A. Yes, sir; 1837 Saint Louis avenue.

Q. Does the name of Nicholas Christian appear there?—A. Yes, sir.

Q. What is his residence?—A. Southwest corner of 20th and Dodier streets.

Q. Does the name of Jacob Diesing appear on that list?—A. Yes, sir.

Q. Please give his residence.—A. South side of Dodier between 21st and 22d streets.

Q. Also the name of C. F. Sternberg?—A. Yes, sir; 1800 Dodier street.

Q. Also the name of Henry Mecke?—A. Henry Mecke, jr., is that it?

Q. Yes; what is his residence?—A. Southeast corner of 20th and Hebert.

By Mr. METCALFE:

28 Q. Is that Henry Mecke, jr.?—A. Yes, sir; Meck, not Mecke.

By Mr. DONOVAN:

Q. Also the name of August Weeké?—A. That, I think, is the name. It is Weeké; I suppose it should be Meek. They are certainly two brothers that live at the same place, southeast corner of 20th and Hebert, I would read it. One appears on the books as Meeker or Meek, and the other as Weeké.

By Mr. METCALFE:

Q. One is Henry Meeke; is that what you mean?—A. Yes, sir; but I would call that a W.

Q. Would you call them both Ws?—A. Yes, sir.

Q. Henry Week and August Week?—A. Yes, sir; southeast corner 20th and Hebert streets.

By Mr. DONOVAN:

Q. Also the name of William Bunselmeyer?—A. Yes, sir.

Q. Give his residence.—A. 1926 Dodier street.

29 Q. Is the name of T. Kahmann on that list?—A. Yes, sir.

Q. His residence?—A. Southeast corner 20th and Hebert streets.

Q. Does the name of Casper Schwicke appear there?—A. Yes, sir.

Q. How does that appear?—A. It appears here as triple X—"Sessinghaus XXX."

By Mr. METCALFE:

Q. What is opposite his name?—A. It is the signature of Casper Schwicke; the registrar wrote down the signature there—wrote down the signature for him.

By Mr. DONOVAN:

Q. Is it or is it not signed in the usual manner and way of people making their mark?—A. No, sir; it is not signed as such.

Q. You find there just three Xs?—A. Yes, sir.

Q. Without any name being above or below or the X being in the middle of his name?—A. No, sir.

Q. What is his residence as given on that book?—A. South side of Hebert, between 20th and 21st streets.

30 Q. Does the name of Henry R-u-w-l-e-r appear on that book?—A. It does.

Q. What is his residence?—A. North side of University, between 20th and 21st streets.

Q. Does the name of H. R. W. Meyer appear on that list?—A. Yes, sir; it does.

Q. Give his residence, please.—A. Northeast corner 19th street and Sullivan avenue.

Q. Does the name of Christian Hormeling appear on that list?—A. Yes, sir.

Q. His residence please.—A. 1917 Dodier street.

Q. Does the name of Charles G. Huse appear there?—A. Yes, sir.

Q. His residence?—A. 1938 Dodier street.

Q. Does the name of Fr. Lichtenser appear there?—A. Yes, sir; it does.

Q. Give his residence, please.—A. 1932 Dodier street.

Q. Now, please turn to special registration book for precinct 31 166.—A. Yes, sir.

Q. What do you now hold in your hand?—A. Special registration list for 166.

Q. Who was the special registrar as appears from that book?—A. Henry Schuermann.

Q. Do you find on that book the name of Christian Paffhausen?—A. Yes, sir; 3905 Kossuth avenue.

Q. State whether or not you find the name of Henry Wilkening.—A. Yes, sir.

Q. And his residence?—A. 4003 North 17th street.

Q. The name of Fred. Schmeller?—A. Yes, sir.

Q. Residence?—A. 17 Farrar street.



Q. Do you find the name of Catz Haupt on that list?—A. Residence Bremen avenue, between 17th and 18th streets.

Q. Please state whether you find the name of Max Schmidt.—A. That is in German here; 2215 Davis street.

Q. Will you state whether or not you find the name of August 32 Brueggemann.—A. Yes, sir; he is here.

Q. His residence?—A. 1801 Salisbury street.

Q. The name of August Zemke?—A. Yes, sir; 1800 Bremen avenue.

Q. The name of George Schmidt?—A. He is here; so it appears any how.

Q. Residence?—A. 4013 Kossuth; Kossuth spelled with a C.

Q. Look for the name of Gustave Haupt?—A. He is here.

Q. Residence?—A. Bremen avenue, between 17th and 18th.

Q. The name of Fred. Bohle?—A. Yes, sir.

Q. Residence?—A. "1810 Goerbalde."

Q. Please spell the name of the street as you find it on the book?—

A. G-o-e-r-b-a-l-d-e; that is the intention, and the intention is good.

Q. John Giesler?—A. He is here.

Q. Residence?

WITNESS. Is that intended for Thompson street Natural Bridge 33 road? I think it is. Yes, sir; I guess that is what it is intended for; "Natignel Brige Roth, Tomsen."

Q. Do you find the name of Peter Tiernan?—A. Yes, sir; it is here.

Q. Residence?—A. Eighteenth street, between Farrar and Bremen avenue.

Q. Do you find the name of H. Oterbeck?—A. Yes, sir; he is here; 3909 Seventeenth street.

Q. Do you find the name of Herman Spickermeyer?—A. Residence, Twentieth and Salisbury streets.

Q. Do you find the name of Nickolaus Schweitzer?—A. Yes, sir.

Q. And his residence?—A. Northeast corner of Hebert and Twenty-first streets.

Q. In what language is that written?—A. You can't prove that by me.

Q. Is that German or English?—A. I can't say.

Q. By whose assistance do you make it out?—A. Notary Kraft.

Q. Now, look for the name of Ernst Gastorf. What is his residence?—A. 4011 North Eighteenth.

34 Q. Do you find Charles Schmitt?—A. Yes, sir.

Q. Residence?—A. Seventeenth, between Bremen and Garibaldi.

Q. Now, look for the name of Henry Linenweber.—A. 4025 Kossuth avenue.

Q. Do you find the name of Frederick Moeller?—A. Yes, sir.

Q. What is his residence?—A. Twenty-first and Bremen avenue.

Q. Please turn to book 143, special registration list.—A. Very well, sir; district 143. What will you have?

Q. What is that book you now hold in your hand?—A. Special registration sheet for district 143.

Q. What is the name of the registrar for that precinct, as appears on that book?—A. F. W. Bierbaum.

Q. Do you find on that special registration sheet the name of August Rohlfing?—A. August Rohlfing; yes, sir.

Q. Give his residence.—A. 1426 Monroe street.

35 Q. Do you find the name of Joseph Schweffermann ?—A. Yes, sir.

Q. Give his residence, please.—A. 2117 North Fourteenth street.

Q. Do you find the name of F. B. Linderhorst ?—A. No, sir; I find Lindhorst, F. B., 2113 North Fourteenth street.

Q. Do you find the name of Bernard Muerenfechter ?—A. Yes, sir.

Q. What is his residence ?—A. 1504 Monroe street.

Q. Do you find the name of August Drucker on that book ?—A. I am not positive whether that is his name.

Q. How does that name appear to you ?—A. Well, it appears to me to be most anything except Drucker. I can't make anything out of it.

(By the assistance of the notary the witness then deciphers the name.)

WITNESS. We will call it Drucker, 1509 Exchange.

Q. Fred. Stumpe ?—A. Yes, sir; 1406 Monroe street.

36 Q. Do you find the name of Gotlieb Kassing ?—A. Yes, sir.

Q. Residence ?—A. 2113 North Fourteenth street.

Q. The name of Jacob Hausem ?—A. Yes, sir.

Q. What residence ?—A. 2121 North Thirteenth.

Q. The name of H. Goedecke ?—A. Yes, sir.

Q. What residence ?—A. 1417 Exchange street.

Q. Now turn to book 144, please.—A. Yes, sir.

Q. What is that paper which you now hold in your hand ?—A. That is the special registration list for 144.

Q. Who was the special registrar for that day in that district ?—A. William Booker. It may be Drucker, and it may be Booklee; it may be Booken and it may be Broker.

Q. Please examine that list and see if you find on it the name of Ferdinand Schaidt.—A. Yes, sir; residence, 1414 Benton street.

37 Q. Do you find the name of Kleinschmidt Charles ?—A. Well, no; his name is Charles Kleinschmitt.

Q. How does it appear on your list ?—A. As Kleinschmitt, Charles.

Q. What residence is given there ?—A. 1323 Monroe street.

Q. Do you find the name of Bernard Gutzi ?—A. Yes, sir; residence, 1403 North Market street.

Q. Do you find the name of Julius Schlueter there ?—A. 1304 North Market street.

Q. Do you find the name of Fred. Koopmann ?—A. Yes, sir.

Q. Residence ?—A. 1402 Benton street.

Q. Do you find the name of Wilhelm Heuermann ?—A. 1521 Monroe street.

Q. Do you find the name of Henry Gieseke ?—A. Yes, sir; I see it.

Q. His residence ?—A. 2414 North Sixteenth street.

38 Q. Do you find the name of Charles Kremlmayer ?—A. Kremlmayer, Charles.

Q. Residence ?—A. 1413 North Market street.

Q. The name of August Scherer ?—A. The name appears here.

Q. You take that on the statement of Professor Wieschahn, who is a German scholar, do you ?—A. Yes, sir; I will take his word for it.

Q. What residence is given to him ?—A. 1508 Benton street.

Q. How is that name written in that book—in what language ?—A. I should say it was in the German language.

Q. Can you, without the aid of a German professor, decipher that name ?—A. I could not, not being a German scholar.

Q. As it appears on the books there, it is hieroglyphics to you ?—A. Yes, sir.

- Q. Now turn to book 145.—A. 145. This is special registration book of district 145—or sheet rather, not book.
- 39 Q. Do you find the name on that list of Frederick Zelkamp ?—A. Yes, sir.
- Q. Residence?—A. 1308 Montgomery street.
- Q. The name of Gust. Huttemann?—A. Yes, sir; 1523 Benton street.
- Q. The name of Louis Baumann?—A. Yes, sir.
- Q. Residence.—A. 1321 Benton street.
- Q. The name of F. W. Schewe or Scheme; can you decipher that name, sir?—A. No, sir; I cannot. I see that the registrar has written here in the remarks, which is his duty to do, Schewe.
- Q. Then it appears there as Schewe?—A. So it is—Schewe.
- Q. The residence of the party, please?—A. 1501 Warren street.
- Q. Do you find the name of Henry Heitmann or Herman Haidemann?
- A. Yes, sir.
- Q. His residence?—A. 1416 Montgomery street.
- Q. The name of John F. Driemeyer?—A. Yes, sir; 1412 Warren street.
- 40 Q. The name of William Grannemann?—A. Grauneman, yes, sir; it appears here.
- Q. His residence?—A. 1408 Warren street.
- Q. Heinrich Spilker?—A. 1417 Benton street.
- Q. How is that name written on that sheet?—A. I should say it was written in the German language.
- Q. Could you tell from looking at the name itself what it was?—A. No, sir; I could not.
- Q. Do you find there the name of Henry Saugewish?—A. No, sir; it is Langewish.
- Q. Give his residence.—A. 1322 Warren street.
- Q. Now, please turn to precinct 148. What is that book which you hold in your hand?—A. It is an alphabetical list of the registered voters of the 148 election district.
- Q. It is the book concerning which you were interrogated by the attorneys for the contestant?
- 41 Mr. METCALFE. I beg your pardon, I did not interrogate him at all about that book.
- Mr. DONOVAN. You asked for it.
- Mr. METCALFE. I asked for it, but didn't go into it, and therefore I object to any questions in regard to that as not having been gone into on the direct examination.
- Mr. DONOVAN. Will you please state the nature of your objection or objections?
- Mr. METCALFE. That we have not examined in relation to that book at all. I have not asked a question in reference to that book which Mr. Gonter, the present witness, now holds in his hand; and, I take it, you can't cross-examine about a matter that we haven't examined about in chief, unless it is for the purpose of impeaching the witness; but you certainly can't go out of the range of our examination to that extent.
- Mr. DONOVAN. I presume I will be permitted to cross-examine your witness.
- 42 Mr. METCALFE. Yes, sir; but you have no right to cross-examine him in relation to any matters wherein we have not examined in chief; you can't go outside of the range of our examination-in-chief, except for the purpose of impeaching the witness. I take that to be a well understood rule of law.

Mr. DONOVAN:

Q. Having listened to the objection of the gentleman, which I don't think is to the point, I will now ask you to give your best judgment what that book is.

WITNESS. You speak of the book or the addition to it?

COUNSEL. I speak of the document as it rests there before you.

A. It is the alphabetical list of the registered voters of district 148, furnished the judges of election in connection with the poll books. As the law requires an alphabetical list to accompany each poll book. This book was returned to me after the election, as all other alphabetical lists were, and on it I find those names attached—the names 43 of twenty-three different persons. It not being attested by the registrar of the election, it was not considered of any value as a matter of record to be kept as such in my office, and was, consequently, filed away with the other alphabetical books, no other return having come to our office for this district.

Q. Is there any indication there of its being an official report?—A. No, sir; there is no indication of its being official.

Q. Now, please read the names and addresses of the parties on that book which are in pencil.—A. Frederick Geiselman, 2916 Solomon ave.; D. J. Brown, 1608 Dodier; Solomon George, 2901 North 17th; George Kippel, 1632 Wright street; F. Dickeman, 1642 Dodier street; J. H. Brewer, 1636 Dodier street; J. B. Breitt, 2816 North 17th street; J. H. Bowenkupt, 1608 Hebert street; A. Hickman, 1731 Saint Louis avenue; H. Hilker, southeast corner Solomon and Hebert; H. Schluter, 1616 Hebert street; H. Brocksmith, 1604 Sullivan avenue; 44 Robert Nooney, Rausenback street, between Saint Louis and Hebert; Charles J. Wiesehahn, 1616 Sullivan avenue; Valentine Williams, 1633 Sullivan avenue; H. Sager, 1610 Hebert street; Williams Kickens, 2916 Sullivan avenue; John Fay, 3014 North 17th; W. R. Parkinson, 2909 Rausenback avenue; Anton C. Hall, 3018 North 18th; John Sheehan, 1624 Wright street; J. F. Walbrick, 1610 Hebert street; H. W. Schroder, 1644 Wright street.

Q. Do you know the name of the registrar in that precinct?—A. I do not.

Q. Does his name anywhere appear on that book?—A. No, sir; it does not.

Q. Is there any certificate of any kind in regard to these names appended to that book?—A. No, sir.

Q. You refuse to regard it as an official record?—A. I do.

Q. You don't know who these names were written by?—A. No, sir.

45 Q. You have not permitted it to remain in your office as an official record, but simply as a memorandum?—A. Yes, sir.

Q. That got into the office somehow, but you don't know how?—A. Well, they come there as among my books. That book was to be returned to me without having that list on.

Q. From the book itself you can gather no information as to who wrote those names there?—A. No, sir; I know nothing about them.

Q. Now take book for precinct 149. What is that paper which you now hold in your hands?—A. This is special registration list of district 149.

Q. Please give us the name of the registrar in that district.—A. Theodore Schierenberg, I suppose it is.

Q. Do you find upon that book the name of Gotlieb Bachmann?—A. Yes, sir.

Q. His residence ?—A. 1603 Montgomery, rear.

46 Q. Are there any remarks on the sheet opposite his name ?—
A. Yes, sir.

Q. What are they ?—A. Says he was transferred. Name not on books.

Q. By whom are those remarks presumed to have been written ?—
A. Presumed to have been written by the registrar.

Q. Do you find the name of Henry Strattmann ?—A. Herman Strattmann is here, 1624 Montgomery.

Q. Do you find the name of Adam Loss ?—A. Yes, sir.

Q. Residence ?—A. 1624 Montgomery street, between West Sixteenth and West Seventeenth streets.

Q. Do you find the name of Lewis Schlewing ?—A. Yes, sir.

Q. Give us his residence ?—A. 2013 Montgomery, between West Sixteenth and Seventeenth streets.

Q. Do you find any remarks opposite his name ?—A. Yes, sir.

47 Q. What are they ?—A. " Been registered and name omitted." Q. Find the name of August Meyer.—A. Yes, sir.

Q. His residence ?—A. 1604 Montgomery, between West Sixteenth and Seventeenth streets.

Q. Do you find any remarks opposite his name ?—A. Yes, sir.

Q. What are they ?—A. " Been transferred, name omitted." Now, in explanation of that possibly I had better say that this man probably came to the office and transferred, and in making up our books he was omitted ; that might have been the case, although I don't say it is, because we were very careful up there to make no mistakes.

Q. Do you find the name on that list of Frederick Boerggraefe ?—A. Yes, sir.

Q. His residence ?—A. 2602 West Seventeenth street.

Q. Please look for the name of Jacob Gutfleisch.—A. His residence is 1613 Warren street.

48 Q. Please look for the name of Reinhold Amerheim.—A. Montgomery street, between Sixteenth and Seventeenth street.

Q. Do you find the name of Leonard Leistikow ?—A. I find that name, sir.

Q. His residence ?—A. 1707 Benton street.

Q. Look for the name of Frederick Brockschmidt. Give his residence, please.—A. 2515 North Sixteenth street.

Q. Look for the name of George H. Bruggemann.—A. He is here.

Q. His residence ?—A. 1631 Warren street.

Q. Please look for the name of E. H. Strothmann.—A. Yes, sir.

Q. His residence ?—A. 1624 Montgomery street, between Sixteenth and West Sixteenth ; two Sixteenth streets come right together. This memorandum is to the other name.

Q. You mean the name of H. Woestendich ?—A. Yes, sir; 1661 Benton street.

49 Q. What remarks are opposite the first name ?—A. " Transferred from the east side of North 17th, between Cass avenue and O'Fallon. Name not on poll-book."

Q. Look for the name of Henry Kassen.—A. Residence 1629 Montgomery, between 16th and 17th streets.

Q. Look for the name of Ferd. F. Von Behren.—A. Yes, sir.

Q. What is his residence ?—A. " 1612, St. Louis, Missouri."

Q. Now, please turn to book precinct 152. What paper is that which you hold in your hand ?—A. This is special registration of district 152.

Q. Who is the registrar ?—A. The registrar is Herman Hopmann.

Q. Do you find on that list the name of John F. Werremeyer?—A. Yes, sir.

Q. His residence?—A. 1803 Montgomery street.

Q. Do you find the name of H. H. Werremeyer?—A. Yes, sir.
50 Q. Residence?—A. 1803 Montgomery street.

Q. And the name of Charles H. Hopmann?—A. Northeast corner of Jefferson avenue and Benton street.

Q. Now, please give me book 142. What is that book which you hold in your hands?—A. Special registration list of district 142.

Q. What is the name of the registrar?—A. Julius F. Miller.

Q. Do you find on that list the name of John William Bruggemann?—A. Yes, sir.

Q. His address?—A. 1909 North 15th street.

Q. Doesn't Howard street appear there?—A. It is crossed out—corrected—North 15th is put in place.

Q. The name of Fritz Boedecker?—A. 1905 North 13th street.

Q. Now, please look for the name of Joseph P. Weidemeier?—A. Yes, sir.

Q. His residence?—A. 1420 Chambers street.

51 Q. The name of Henry Zirenberg?—A. 1905 North 13th street.

Q. Look for the name of A. G. Wenguest, and please give his residence.—A. 1300 Chambers street.

Q. The name of Henry Iborg, and his address?—A. 1506 Chambers street.

Q. What is the remark opposite his name?—A. "Old residence."

Q. Do you find the name of Joseph A. Folter?—A. Yes, sir.

Q. What is his address?—A. 1712 North 14th street.

Q. Any remarks opposite his name?—A. Yes, sir.

Q. What are they?—A. "Wasn't quite a year in the State when wanting to register in office."

Q. Henry W. Kalthoff.—A. Yes, sir.

Q. His residence?—A. 1912 North 14th street.

Q. Frederick Dreckschmidt.—A. Yes, sir.

Q. Give his residence?—A. 2008 North 16th.

52 Q. William Schorregge, do you find his name on that list?—

A. Yes, sir; 1526 Chambers street.

Q. Look for the name of Henry Kuhlmann.—A. 1807 North 13th street.

Q. Now, look for the name of Jacob Schroeder.—A. 1506 Madison street.

Q. Look for the name of Louis Kraleman.—A. Here it is; 1410 Madison street.

Q. Now turn to book 119. What paper is that which you have in your hands?—A. Special registration list of district 119.

Q. See if you find on that list the name Theodore Heuermann.—A. Yes, sir.

Q. His place of residence?—A. 1022 East 16th street.

Q. Name of John Fulcwiler?—A. 1005 North 16th street.

Q. See if you find the name of Rudolph Tiemann, jr.—A. Yes, sir.

Q. And his residence?—A. 1616 Biddle street.

Q. The name of John Borghoff?—A. Yes, sir.

53 Q. His residence?—A. 1514 Biddle street.

Q. In what language does it appear upon the book?—A. I would say the German language.

Q. Unaided by anybody familiar with the German language would

you or would you not have been able to make out the name?—A. I would not.

Q. Look for the name of H. Schoremann, jr.—A. Yes, sir.

Q. What residence?—A. 1526 Biddle street.

Q. Look for the name of Otto Rantenstrauch.—A. 1007 North 15th street.

Q. Now, please turn to book 83. What is that paper which you now hold in your hand?—A. Special registration list of district 83.

Q. On that sheet does the name of Herman Mentrop appear?—A. Yes, sir.

Q. His residence?—A. 3304 North 10th street.

54 Q. Now are there any remarks opposite the name?—A. Yes, sir.

Q. What are they?—A. "Twenty-three years old." First vote, I suppose.

Q. Do you find the name of Henry Muhs?—A. Yes, sir; 317 Dock street.

Q. Do you find the name of Herman Kamps?—A. Yes, sir.

Q. What is his residence?—A. 3304 North 10th street.

Q. Do you find the name of W. Heitmueller?—A. Yes, sir.

Q. Give his residence please?—A. 3301 Broadway.

Q. Do you find the name of Frederick Sieckmann?—A. Yes, sir; 3329 North 9th street.

Q. Do you find on that book the name of Tobias Hollenwizer?—A. No, sir; I don't; I find no such name.

Q. Nor Hollenwheeler?—A. No, sir.

55 Q. Do you find the name of—A. There is a name here that looks like Hollenreitz. I will accept that name.

Q. What is his address?—A. 3301 Broadway.

Q. Now I will have to ask you to turn back to district 74. What is that paper which you now have in your hands?—A. This is special registration list of district 74.

Q. What is the name of the registrar?—Edward E. Krampe.

Q. Do you find on that list the name of Diedrich Ammerling?—A. Ermeling is here.

Q. What is his address?—A. 2106 North 13th.

Q. Do you find the name of W. W. Woodcock?—A. Yes, sir; 1202 North Market street.

Q. Do you find there the name of Joseph Mattmann?—A. 1118 Madison street.

Q. Now please turn to precinct book 71. What paper have you now in your hands?—A. Special registration list of district 71.

56 Q. Do you find on that list the name of Conrad Schopp?—A. Yes, sir; I do.

Q. What is his residence?—A. 2708 Broadway.

Q. Do you find the name of Johann Bodemann?—A. Yes, sir.

Q. And his address?—A. 213 Monroe street.

Not being able to complete the taking of these depositions to-day, by consent of parties, I do now adjourn the further taking of the same until to-morrow, Thursday, February 3d, 1881, then to be continued at the same place at the hour of half past nine in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of St. Louis, Mo.

Term Expires March 13, 1882.

No. 5.

1 Pursuant to adjournment as above stated, on the third day of February, 1881, at the hour of half past nine o'clock in the forenoon, I continued the taking of said depositions, as follows:

CHARLES G. GONTER, in continuation of his cross-examination further deposes and says:

By Mr. DONOVAN:

Question. I should like you to turn to precinct 208.—Answer. Yes, sir.

Q. What is that you hold in your hands?—A. This is special registration list of district 208.

Q. Please look on that list and see if you find the name of Peter Nicholson.—A. Yes, sir.

Q. His residence?—A. 1108 Garrison avenue.

Q. That is all I wish from that book. You have read off from 2 these special registration lists for both contestant and contestee a great number of names; I will ask you if you have any personal knowledge as to who these parties voted for?—A. No, sir; I have not.

Q. Have you any personal knowledge that they voted at all?—A. No, sir.

Q. In your direct examination you were given the number of the residence that appeared upon the poll book, and asked to look upon a map and see whether or not the name given was in the precinct to which it seemed assigned. Have you any personal knowledge as to whether or not the party did or did not reside in that particular precinct?—A. I have not.

Q. You have stated that in many cases from the number given to you it would appear that the parties voted in an adjoining precinct, 3 the polls being opposite to each other upon the same street?—

A. Well, in regard to the polls I can't say where they were located; whether opposite or not.

Q. You do not know but that the number given upon the book may have been an improper one?—A. It may have been.

Q. Not correct?—A. It may have been not correct.

Q. The parties concerning whom you were asked may have actually resided in the precincts in which they voted?—A. Yes, sir; they may have resided in the precinct and voted outside of it.

Q. They may have voted in the precinct in which they lived?—A. And may have given the wrong number.

Q. Do you recollect any curious fact in regard to this matter of 4 giving numbers?—A. Yes, sir.

Q. I think you stated here the other day, but it was not given in testimony; I would like it now to be recorded; that of carrying his own number with him?

(Mr. Pollard, counsel for contestant, objects to the question as irrelevant.)

A. Well, upon one occasion there was a gentleman came to register in the office—he came to transfer rather—and in registering him from one place to the other there seemed to be a very singular coincidence that he should have the same number—that he should move a mile away

on to another street and still have the same number; so we asked him about it, and he said it was his number. The question was put to him, and he said that the number that he had registered from before was his number, belonged to him, had been paid for by him and he
5 had taken it from the old house and put it on his new house, because the number belonged to him; he said he had paid his money for it; it belonged to him.

Q. How many boards of revision have been appointed under the registration law?—A. I am unable to say.

Q. About how many?—A. I can't answer that question; I knew nothing about the business before I went there.

Q. Have you from the examination of the records in your office been able to estimate the number of changes of names that have been made by each board of revision?—A. No, sir; there is no record of that kept later than the time that I went in. I have kept records since that time, or I have endeavored to, at least.

Q. What was the average of the changes made by the board
6 during your recollection?—A. Well, I believe there were two boards sitting since I have been in office, and there was over twelve thousand names stricken off at each session of the board.

Q. These were stricken off for what reason?

By Mr. POLLARD:

Don't state unless you know. Never mind a reference to the precinct books.

A. From the fact that they had moved; that there was no such number; that it was a vacant lot; not found; dead; and various other remarks which the board of revision had adopted.

Mr. DONOVAN. I suppose you know that the people residing in a large city occasionally move from one part of the city to another?—A. Yes, sir.

Q. And this is, in the main, the reason why their name is removed from the ward in which they previously lived?—A. Yes, sir; the law requires that when a man removes from one place to another he shall report it to the office of the recorder of voters.

Q. If he doesn't, what action does the board of revision take?—A. Strike his name from the list.

Q. He can then call at your office and re-register?—A. Yes, sir.

Q. How many did you say were stricken from the list by the last board of revision?—A. Over twelve thousand.

Q. Now, I will ask you, Mr. Gonter, to give a liberal estimate of the mistakes that that board of revision may have made in their action.

(Mr. Pollard, counsel for contestant, objects to that question on the ground that it is wholly impossible.)

A. I don't think that they made over two hundred out of the twelve thousand stricken out.

8 Mr. DONOVAN. How many of the parties whose names were stricken from the list called upon you to re-register?

WITNESS. You mean since the election or before?

COUNSEL. Before the election.

A. Well, that I am unable to say. I will state, however, that upon the day of election I kept my office open for the purpose of correcting any clerical errors or omissions of my own in the office; that upon that occasion a great many persons called upon me there to state that their names had been stricken off and wished to re-register, which according to Mr. Bell's decision, the city counselor, could not be done. But

whether they had been legally stricken or illegally stricken off, that I am not able to say. They may have been legally stricken from the list; of course I didn't examine them, and can't answer that question.

Q. That was your action after you were by law compelled to close your office?—A. Yes, sir.

Q. But prior to the closing of these books were not the names of those who were stricken from the list published in the daily papers officially?—A. Yes, sir.

Q. How many of the parties whose names were thus published in the papers applied to you for re-registration before the election, or rather before the time that you were compelled to close your books?—A. I shouldn't think there was a dozen of such names as had been stricken off and reported to me, or, rather, reported to the board; they came afterward. All such were reinstated. There was no man left off that came there to be reinstated.

Q. If it was proper to reinstate him?—A. Yes, sir; there were none rejected; they were all taken upon their word that they lived where they were registered.

Q. Were all the parties whose names were stricken from the registration notified through the public press and by an official notification?—A. Yes, sir; they were.

Q. And you say but a dozen applied for reinstatement?—A. Yes, sir; that is, during the sitting of the board I am speaking of now.

Q. And up to the time when, by law, you were compelled to close your office?—A. Yes, sir.

Q. Did the board of revision act personally on names, or establish general rules in regard to names?—A. They established a general rule; that is, during the sittings of the board.

Q. What was the character of these general rules?—A. They had adopted a resolution that all names marked "removed," "dead," 11 and so forth, should be stricken off by the recorder of voters.

Mr. POLLARD. Before you go on, please explain that again a little more fully.—A. All marked "removed," "dead," or otherwise, were to be stricken off by the register.

Q. Marked by whom?—A. Marked by the reviser of each ward. He would present, for instance, the names of forty persons, and they would be variously marked; some "dead," some "removed," some "on vacant lots," others "not found," and under this resolution adopted by the board the recorder of voters was instructed to strike those names from the list.

By Mr. DONOVAN:

Q. Was that adopted as a general rule—that action as to the names of voters?—A. Yes, sir. Instead of reading each name separately, by the resolution of the board they were removed by wards. For instance, a man had forty removals and ten dead.

12 By Mr. POLLARD:

Q. He would mention that fact. You mean the reviser by "man"?—A. The reviser; yes, sir; and under this same resolution, of course, I was authorized to strike those names off. The names were not read individually there at all; just simply the number, so that they could facilitate matters, I suppose.

By Mr. DONOVAN:

Q. In the performance of your duty in your office, was the polities of the party known whose name or number may have been read out to you?—No, sir.

Q. Will you please explain how the business of locating parties was conducted?

WITNESS. By the board of revision.

COUNSEL. In your office, I mean?

WITNESS. In my office?

COUNSEL. Yes; that is, was the name read, or the number?

13 WITNESS. You are not speaking now of the board of revision; you are speaking in regard to my office.

COUNSEL. Yes; the latter.

WITNESS. A man who would come there to register, we would have the date put upon the book and the number that he would give written opposite; then he would write his name down between the date and the number. He could always see for himself that the right number was put there, before his name was written by himself, before he put his signature to it; and after signing he would be sworn. In the evening and at night all those names were copied on slips and districted on the map; then this man would be placed in his registration district.

Q. What was called between your clerks, names or numbers?

WITNESS. In districting?

COUNSEL. Yes, sir.

14 A. The address only; no names at all. Parties districting them didn't know the name. He could, of course, find it out if he wished to, for the names were there and the addresses; therefore, if he had been curious, and if he wanted to see the address himself, he could have looked for it there. But he wanted him simply in the proper district.

Q. So the numbers alone were given?—A. The numbers alone were given.

Q. And the clerk at the map had no knowledge who the party located at that number was?—A. No, sir; the one calling out the name, if he wished to, could see, of course; but he would simply call the number. The one, however, at the map wouldn't see the ticket at all—the name at all.

15 Q. To what extent did you personally supervise the last registration?—A. I supervised it personally from beginning to end.

Q. To what extent were you assisted in this personal supervision by the Republican central committee?—A. I was not assisted in any way by them.

Q. To what extent did they supervise the supervision?—A. They asked permission to place two men in my office at night for the purpose of seeing how matters were conducted. I had no authority to grant them that permission, but, through courtesy, I did so; I allowed them to have two men there at night. They came there and saw the operation of the office, and they were both satisfied that everything was conducted fairly and squarely in that office, and they so expressed themselves, and thought it useless for them to continue there; and just how long they did remain there or how many nights they came there, I don't recollect.

16 Q. Have you any knowledge of any unfair action upon the part of any clerk that you employed during that registration?—

A. I have not.

Q. How did you select these clerks, from the Democratic party or the Republican party?—A. From both.

Q. In your employment of clerks, were you personally familiar with the politics of anybody?—A. No, sir; I might have been with a few

yes, sir ; but the large number of them I knew nothing about their politics.

Q. You employed them, then, for their efficiency ?—A. Yes, sir.

Q. And they performed their duty honestly, so far as you know ?—A. Yes, sir.

Q. And all done under your own personal supervision ?—A. Yes, sir.

17 Q. If there were any complaints to be made you were there to hear them ?—A. Yes, sir.

Q. Was the last election a quiet one ?—A. Yes, sir.

Q. Any disturbances that you heard of ?—A. I heard of none.

Q. Was it not considered fair in all respects in its results ?—A. I think so, as far as I know.

Q. What, in your judgment, is the complexion—I mean of the Congressional districts in this city ?—A. They are Democratic, in my opinion.

Mr. POLLARD. They were intended to remain so; there is no doubt about that.

By Mr. DONOVAN :

Q. Can you estimate majorities ?—A. Yes, sir; I have done so.

Q. You take a particular interest in this matter and keep yourself posted ?—A. Not in this particular case; no, sir.

18 Q. I mean generally, as to the complexion of these districts.—A. Yes, sir.

Q. And are posted; in other words, you have got what is called a political barometer ?

WITNESS. You wish me to answer that what I consider it ? My political barometer would say that the first Congressional district is Democratic by 3,000 majority; that the second Congressional district is Democratic by 2,500 majority, and the third Congressional district is Democratic by 1,000 Democratic majority.

Q. On an honest and full vote cast ?—A. Yes, sir; of course. I base it upon a full vote of the city.

Mr. POLLARD. We object to these questions, as the very palpable object of them is to consume time.

Mr. DONOVAN. I desire to state that I have not wasted any 19 time; that these questions grow out of the matter contained in the notice of contest.

Q. I asked you yesterday concerning this second ground of contest, which seems to charge that people were illegally registered, but I find other charges that are embraced in the third, fourth, fifth, and other grounds, where it is charged that your office illegally and intentionally refused to register; what have you got to say in regard to that ?—A. If there was any such person rejected in that office, or refused registration, I know nothing of it. I don't know of a single man that was refused registration that properly presented himself there.

20 Re-examination by Mr. POLLARD:

Q. You say, in your judgment, there were not over two hundred (200) mistakes made by the revisers ?—A. Yes, sir; about that. I said about two hundred (200).

Q. You mean to say that, in your judgment, of the twelve thousand names and over that were stricken off, they were all properly stricken off, except about two hundred ?—A. I think so.

Q. You mean to say that for what reason ?

WITNESS. Why I say so, you mean ?

COUNSEL. Yes.

A. Because I have heard no complaints scarcely made from any party that has been stricken off, and nearly all that have come there to object to their names having been stricken off I found had been properly done.

21 Q. When was the largest number of those twelve thousand names stricken off with regard to the election?—A. That I am unable to say.

Q. Hasn't it appeared that it was only the day preceding the election or the last day, I will say, of the action of this board of revisers that by far the largest number was stricken off?—A. I am unable to say. I have the record at my office.

Q. Isn't it a fact, that on the last day of this session of this board of revision more than three thousand (3,000) names were stricken off?—A. That I am unable to answer.

Q. What was the last day they sat in regard to the election?—A. I don't recollect the day of the week. It was ten days previous to the election.

Q. The last day they sat was ten days previous to the election?—A. Yes, sir.

22 Q. You say these lists were published in the papers here?—A. Yes, sir.

Q. What papers?—A. The Times, the Saint Louis Times.

Q. And only in the Saint Louis Times?—A. Yes, sir; that being the official paper of the city. It was required to be published in the official organ of the city.

Q. What are the politics of the Saint Louis Times?—A. Democratic.

Q. Isn't it a fact that that paper had the smallest circulation of any of the morning papers in this city?—A. That I am not able to say.

Q. What is your judgment about it?—A. I have no idea.

Q. Isn't it a fact that since that time that paper has failed because of insufficient support to keep it alive?—A. I can't answer that question. I don't know what the cause of it was.

23 Q. Isn't it a fact that it has failed since that time?

Mr. DONOVAN. Failed? not much.

Mr. POLLARD. Yes; failed and stopped its circulation.

A. It has not stopped, not if the edition issued by the Missouri Republican may be called the Times proper.

Q. Published by whom?—A. By the Republican Company.

Q. But it is not published by the same company that was publishing it before this?—A. I don't know whether the proprietor, Mr. Cundiff, is connected with it, or not. The law required that the recorder of voters should publish a list of names in the papers doing the official business of the city, and that paper was the Saint Louis Times; that is why it was published there. The law requires that the papers doing such printing shall have a circulation of three thousand and over.

24 Q. Now, Mr. Gonter, who were these two men that the Republican central committee sent to your office at night?—A. I don't recollect their names. I think one of the gentlemen's name was Higgins, if I mistake not. They were both strangers to me up to that time.

Q. Were they there more than one night to your knowledge?—A. Yes, sir.

Q. More than two nights?—A. Oh, yes.

Q. More than three?—A. I think they were. I don't know. They

came and went as they pleased. They had access to the office just as any of my own clerks had.

Q. How do you know they were sent by the Republican central committee?—A. I don't think they would have given their time for nothing. I think this request was made by some of the committee that they should be there. I don't recollect who they were any more than I have heard said.

25 Q. What proportion of your clerks are Democrats?—A. That I am unable to say.

Q. You think, on a fair vote, this city is Democratic in the neighborhood of sixty-five hundred (6,500), do you?—A. In the vote of the city, not quite as much as that perhaps. I should think it was three to five thousand majority in the city, Democratic. When I gave you the votes before, I may as well state now, that in the first Congressional district there are five counties joined, which makes it a very large district.

Q. Then your judgment is that the city would be Democratic by from three to five thousand?—A. I should say so, if a full vote was cast—between three and five thousand.

Q. You say you acted as secretary of this board of revisers?—
26 A. Yes, sir.

Q. How often did they meet as a board?—A. Every day.

Q. How long did they remain in session?—A. The ten days.

Q. How long each day did they remain in session?—A. From an hour to an hour and a half.

Q. What time in the day was that?—A. They met at four o'clock in the evening.

Q. During the time they were in session, did this board hear any evidence in any case?—A. Yes, sir.

Q. How many of them?—A. Three or four of them.

Q. Out of the twelve thousand?—A. Yes.

Q. Three or four cases out of the twelve thousand?—A. Yes, sir.

By Mr. DONOVAN:

Q. How came they to be heard?—A. They had sent in a lot of names that had been stricken off, and wanted them corrected by the
27 revisers.

By Mr. POLLARD:

Q. Was this your mode of procedure, that each reviser from his ward presented his list, saying that he had made it up; whereupon the board by resolution previously adopted, ordered you to strike from the lists the names which that individual reviser presented; then the board, as a board, did not pass upon these lists at all?—A. They passed upon them in a general way by resolution.

Q. I understand you. But I mean they didn't any of them pass upon a name upon the lists, except three or four out of the twelve thousand?

WITNESS. You mean upon the reinstatement?

COUNSEL. No, sir; I mean upon the striking these names off.

A. They all presented a report every day.

Q. Each one of them?—A. Each one of them.

Q. But the board, as a board, did not investigate that report for a single name that appeared in any of these reports, except three or
28 four?—A. They were not investigated, the three or four that I mentioned; they came in afterwards. These men that I spoke of came back there to be reinstated; had been stricken off a day or two previous, and came back to be reinstated.

Q. I will ask you the question again, I don't think you understood me. You say that the action of the board of revisers, acting as a court, or acting as a board, did not, with the exception of these three or four names, investigate whether one single name out of the twelve thousand had been properly or improperly stricken off?—A. They did not.

Q. And heard no evidence on it at all?—A. No, sir; none whatever; there was no explanation of it at that time that I heard of; no evidence taken.

Q. And the report of the individual supervisors was taken as the report of the various wards?—A. Yes, sir.

29 Q. You know nothing about the partiality or impartiality of the members of this board?—A. I do not.

Q. You know nothing about whether these revisers, as individuals, in their actions in their various wards acted properly or improperly?—A. I do not.

Q. How many clerks did you employ in your office before the election?—A. I suppose there were between thirty and forty.

Q. From thirty to forty?—A. Yes, sir.

Q. How long did they remain there; how many hours a day?—A. Some of them worked more than others, and there were some there that worked twenty-two (22) hours in one day.

Q. The last few days before the election how many did you generally have working there, and how many hours?—A. They worked generally about fourteen or fifteen hours.

30 Q. How many hours were you there a day in person?—A. I was there nearly all the time.

Q. Might it not have been possible—might it not have been easy—for a clerk in your office, had he been so minded, to have acted improperly and in violation of the law?—A. Yes, sir; but he never done so.

By Mr. DONOVAN:

Q. That is, you presume that they did not so act?

WITNESS. Do you want me to answer that question?

(Mr. Pollard, counsel for contestant, objects to any questions by counsel for contestee being inserted into the records at this point.)

Question read by the notary.

A. I never suspected a clerk in my office of doing anything wrong.

Q. I will ask you another question: Who were your clerks appointed by?—A. My deputies were appointed by myself, under an ordinance passed by the city council, giving the right to appoint clerks in my office.

31 Q. Well, by whom were they appointed?—A. The mayor appointed possibly ten or twelve, and the business got so that I couldn't wait for him to appoint my clerks, so I put them in myself as I wanted them. I appointed deputies.

Q. Mr. Gonter, is it not a fact that for a portion of the time during this registration when colored men presented themselves there for registration there was a mark placed against the name to indicate that he was a colored man?—A. Yes, sir; I had the mark placed there myself.

Q. Was not that continued during the whole time?—A. No, sir; it was discontinued on the request of several gentlemen.

Q. I will ask another question. What power had you to register men after their names had been stricken off by the board of revisers?

WITNESS. Before the election?

COUNSEL. Yes, sir.

A. I had no power.

Q. You had no power?—A. No, sir.

32 Q. Then a man whose name had been stricken off by the board on the report on the last day of this session had no power to be registered except at the polls?—A. That was the only place; and, according to the decision of the city counselor, he had no right to register there.

Q. Could voters transfer their residences, change them, without coming in person to your office?—A. Yes, sir.

Q. In many instances?—A. Yes, sir.

Q. What are your politics, Mr. Gonter?—A. Democratic; and a person that knows me wouldn't question it.

Q. Well, Mr. Allen, the chief supervisor, said he didn't know.

By Mr. DONOVAN:

Q. A great deal has been said about colored registration, and I think the matter very much exaggerated. I would like to inquire from you what was the total colored registration of the entire city in all 33 districts?—A. Well, there were about two thousand colored men registered during the last election, and I estimate there were about a thousand parties who had previously registered that were on the old books, that had not reported. I give them as aggregating about a thousand; if that is so, that would make the colored registration of this city about three thousand (3,000). However, I will remark that it would seem almost impossible for a thousand colored men to remain in one place four years. They are a class of people that are generally moving from one place to another. I give them a thousand—I allow them a thousand that had not moved; that would make the colored registration about three thousand votes.

Q. In the three districts in the city?—A. The entire city; yes, sir.

Q. You have been asked about the partiality or impartiality of the members composing the board of revision; I will ask you, from your knowledge of the men, and their standing in this community, 34 whether, in your opinion, they performed their simple duty with a due regard to their own integrity and good name?—A. They were all gentlemen, so far as I know, of standing in this community. I think it was the object of the mayor to select the very best men he could find who would serve upon that board, and, so far as I know, they have conducted themselves fairly and squarely. I don't know of a single instance in which a man has done an injustice to a voter knowingly.

Q. You have been asked in regard to the difficulties of the Saint Louis Times, the official paper of the city; have these difficulties not arisen long after the election?—A. Yes, sir; a considerable time.

Q. You have stated that the mayor appointed ten or twelve of the clerks in your office.—A. Yes, sir.

Q. Do you or do you not know that he, in those appointments, followed the same rule which he has adopted during the course of 35 his administration, of appointing men from both parties, Republicans and Democrats?—A. I cannot say what their politics was—of those that he appointed.

Q. But, judging from his past conduct, he has selected men of various parties?—A. I don't know whether he did in this regard or not. I think they were; out of the twelve men I think there must have been half Republicans. I don't think he had any such thought in his mind

when he appointed them ; I don't think he thought about politics in the matter.

By Mr. POLLARD :

Q. How long a portion of the time during this registration did you indicate—that is, by marks against the names of those registered—that they were colored men ?—A. Up to within, possibly, a week of closing the office.

Q. During the last week, then, there was nothing placed against the colored man's name to indicate that he was a colored man ?—A. Nothing ; no, sir.

36 Q. How do you, then, know there were two thousand registered there ?—A. I kept an account of them.

Q. There was nothing to indicate them, you say ?—A. I had a man to count the names of every colored man ; I wanted it for my own information.

Q. He kept a list of them ?—A. No, sir ; he kept the number.

Q. Did he keep the names ?—A. No, sir ; just the number of men that came in there. My object in marking the word "Colored" opposite each name was for statistical purposes ; it was not done in the interests of any political party. I supposed that every man would like to know how many colored voters there were in the city, just as a matter of information, but it had been objected to by a Republican, and I discontinued it.

Signature waived.

37 HENRY WOODS, of lawful age, being then produced by the counsel for contestant, and sworn, on his oath deposes as follows, to wit :

By Mr. POLLARD :

Question. What is your name ?—Answer. Henry Woods.

Q. And your business ?—A. Deputy city register.

Q. Who is your principal ?—A. Richard Walsh.

Q. Where is Mr. Walsh ?—A. Mr. Walsh is sick at home.

Q. Unable to be present, is he ?—A. As far as I know. When I saw him last he was so unable. I can't say how he is this morning.

38 Q. As deputy city register have you custody and control of the poll books ?—A. Yes, sir.

Q. And the registration lists of the city of Saint Louis ?—A. Poll books of the city of Saint Louis ; yes, sir.

Q. Have you any objection to the contestant in this cause examining these books in your presence ?—A. I don't know about what has been done in the matter heretofore ; I don't know what opinion Mr. Bell has given in this matter.

Q. I will ask you, Mr. Woods, and you can answer it. It is simply this : Whether you object to our examining these books in your presence ?—A. In so far as the matter on the poll books is concerned, I can urge no objection to the using of the books in my presence.

Q. You have no objection to our looking at them in your presence ?—A. No, sir.

Q. Have you any objection to our making a critical examination 39 of the poll books of the third Congressional district in your presence ?

WITNESS. You mean by looking them over ?

COUNSEL. Yes, sir ; looking over them—scanning them over ; not taking them out of your presence or out of your office.

A. No, sir; I have not.

Mr. DONOVAN. Mr. Woods, I will inform you that the city register, Mr. Walsh, when he was here, objected to that being done, and did that under the advice of the city counselor of the city of Saint Louis.

A. Well, as I said before, that may be true; I am not posted in regard to this matter as to what opinion has been given; I don't know what Mr. Bell's opinion has been; all I know is the fact that Mr. Walsh has attended to this business entirely; that I am governed by Mr. Walsh entirely, and that up to this time I didn't give any attention to it.

Mr. METCALFE. I will say to you, Mr. Woods, as attorney for contestant, that Mr. Walsh said he would allow us to look at those books in his presence here, if the attorneys for the contestee did not object to it; and that is why I asked you the same thing, if you were willing.

A. I saw Mr. Walsh the other evening, and he was unable to come down; he told me the business he was on the other day in reading off names like a school-boy, and I told him that we couldn't afford to spend our time in coming here, and, like a school-boy, call off names for hour after hour; and we then talked the matter over—the entire matter. And I was determined this morning that if called on to read off names, not to do so, for the reason that I could not spare the city's time to do it at all, and with this view I came here, and determined to follow up that idea, and not read any names. It would be the sheerest folly for me to go into that and read off names hour by hour like a school-boy, that is, names of those that didn't vote. And Mr. Walsh and I this morning, or when I last saw him, came to the determination not to do it unless we were compelled. I don't propose to spend hours and days here in this business.

Mr. METCALFE. There is no question about your being right, Mr. Woods; all we want is to get at the list of names to examine them, and see the number of votes cast for Mr. Sessinghaus, or the number of those who did not vote; and by thus looking at these books we will not be called upon, perhaps, to put you on the stand at all. All we want is the list of names. When will you give us an opportunity to make this examination?

A. As Mr. Walsh directed me to say you were to send some man up there, and we can give him the books, and he can get the names that thus appear on the books in our office without taking the books away.

Mr. DONOVAN. The attorney for contestee leaves this matter entirely to the discretion of the city register, he acting under the advice of the city counselor. The attorney for the contestee has no objection to an examination of these poll books further than that he will have to be present at the taking of this testimony, and also have to be present at this examination of the poll books made by outside parties. He presumes that the action taken by the city register in refusing this examination under the advice of the city counselor was for the reason that at a previous election the integrity of these records was questioned.

Signature waived.

43 SAMUEL WINDOM, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination, by Mr. POLLARD:

Question. What is your full name, sir?—Answer. Samuel Windom.

Q. Where do you live?—A. 1600 North Main street.

Q. In the city of Saint Louis?—A. Yes, sir.

Q. How long have you resided there at that place?—A. I was there seven months before the time of the election.

Q. Before the election?—A. Yes, sir.

44 Q. How long have you resided in this city?—A. Nineteen months when the election took place.

Q. Nineteen months before the election?—A. Yes, sir.

Q. How old are you?—A. I am 30 years old.

Q. Where were you born?—A. I was born in the State of Mississippi, Smith County.

Q. Have you ever resided out of the United States?—A. No, sir.

Q. Never have been a citizen of any other country?—A. No, sir.

Q. State whether or not you were registered at the last election, the November election.

(Mr. Donovan, counsel for contestee, objects to the question, for the reason that the record is the best evidence.)

By Mr. POLLARD:

45 Q. Were you registered before election day?—A. Yes, sir.

Q. Did you go to the registration office to register?—A. Yes, sir.

Q. Did you present yourself at the polls on election day last November?—A. Yes, sir.

Q. Where?—A. I presented myself to vote.

Q. Where?—A. Thirty-ninth precinct.

Q. State whether or not you voted.—A. I did not vote, sir.

Q. Why not?—A. They wouldn't allow me.

Q. Who?—A. The judges say they wouldn't allow me; that they wouldn't allow no damn niggers to vote that was in that building, 1600 North Main.

Q. You offered to vote?—A. Yes, sir; I went up four times, then they arrested me.

46 Q. What are your politics?—A. On that day?

Q. I say election day. I am asking you what are your politics?—A. I am a Republican.

Q. Did you offer to vote for Mr. Sessinghaus?—A. Yes, sir.

Q. You stated they wouldn't allow you, and then finally arrested you?—A. Yes, sir.

Q. Who was it arrested you?—A. The marshal there, Mr. Walsh or something like that.

Q. What marshal? Democrat or Republican?—A. Democratic marshal.

Q. What did he do with you?—A. He carried me to the station-house.

Q. What was done with you then?—A. They rode me down to the four courts, and they turned me out on Wednesday night.

47 Q. Did you have any examination there?—A. No, sir; no persons appeared against me, and they discharged me.

Q. What was this Walsh, Democrat or Republican?—A. Democrat.

By Mr. DONOVAN:

Q. What is his full name?—A. I don't know.

By Mr. POLLARD:

Q. What time in the day was that?—A. About 3 o'clock, or half-past, in the afternoon.

Q. State how long you were at the polls.—A. I was at the polls from soon in the morning until that time, sir.

Q. State whether or not you saw at that time any other colored men refused.—A. They was not allowed to vote; I never seed any cast a vote there.

Q. Did you see any offer to cast a vote?—A. Yes, sir.

Q. Who did they offer to vote for Congress, if you know?
48 —A. All of them for Sessinghaus.

(Mr. Donovan, counsel for contestee, objects to the question on the ground that these men may have voted when the witness was absent, and, therefore, he cannot speak about them.)

By Mr. POLLARD:

Q. Do you know the names of any of those who were refused to vote there?—A. Yes, sir.

Q. Who were refused permission to vote there?—A. Yes, sir.

Q. Give us the names of some of them?—A. Cain Rollins is one; Walter Harris and James Brown, and some more.

(Mr. Donovan, counsel for contestee, objects to the witness giving this list of names, because he was not present all the time, and does not know whether they were properly qualified voters or not; or whether they were duly registered according to law.)

49 WITNESS (continuing). Wilson Lee, Si Bingham, John Smith.

Mr. POLLARD:

Q. Now, state whether or not there were several other colored men besides those whose names you have mentioned who were refused permission to vote on that day?—A. Yes, sir; there were some more.

Q. Who objected to your voting on that day?—The judge, himself; after he had taken us inside. You know we were there, and wanted to give our ballots in, and they called me inside, and told me I had to go inside, and after going inside, then they asked me to bring on witnesses to prove whether I had been three months in this place; I told them I had been there seven months, and that I had been in this city a good deal longer than that. Then I brought up these colored men who know'd me when I was working—

50 Q. Never mind about that; state whether or not you brought witnesses with you to prove your having been a citizen in this State for more than twelve months?—A. Yes, sir; I did.

Q. What, then, did they do; the judges?—A. They told me to get a white man; if I couldn't get a white man they wouldn't receive me.

Q. What did they arrest you for? Why did they arrest you?—A. Because I kept attempting to vote; you know I went up the fourth time.

Q. State whether or not you made any disturbance around there.—A. No, sir; not a bit, no more than I am making here; I never made no disturbance there.

Q. Did you hear any reasons alleged by the judges of election or others in there for not letting these colored men vote?—A. All 51 that I heard, sir, was just that they said that they wouldn't let anybody—anybody from 1600 North Main—they wouldn't allow any of them to vote there because somebody said they were not citizens here; they judged from the time we moved in that building; we all moved in that, I believe, on the tenth of April, but then, we had been in the city before.

Q. State what was the manner of these people towards you and these other colored men. What was the manner of the people, whether harsh, or mild, or rough, or what?—A. They was running the colored people away.

Q. Judges, I mean?—A. It was a crowd on the outside who was bulldozing us around the window; we wanted to vote and we told them we wanted to vote, and they said, "You can't vote," and we said, "We will

52 vote," yes, sir; and they said, " You can't;" and then somebody inside said they would have me arrested if I didn't go away from there.

Q. How many men were there that day, gathered around the polls there, trying to prevent voting?—A. There were three men that bulldozed; they rejected every colored man's vote; there were three of them; one of them was named Mr. Cahil; the other two, I can't never remember their names.

Q. State whether there was a large number of men there—a big crowd gathered there.—A. Only three to challenge the vote. There was a large number of men there, but they never challenged a vote. One of them then went up to the marshal; he said that he was a marshal; he was on the outside, and he was challenging votes, too. He was the marshal. Yes, sir; there is no doubt about that. He was not a colored man.

53 Q. State anything this crowd outside did to scare and prevent colored people from voting.—A. Yes, sir; they would say, " You can't vote here. What you come here for? None of you damn niggers can vote here." I said I was going to vote a Republican ticket; that I had the right to vote there; and they said, " You can't vote it here, and if you do we will have you arrested."

Q. What was the manner of their action; their speech; were they rough, swearing, and cursing?—A. Yes, sir; they were very rough.

(Mr. Donovan, counsel for contestant, objects to this question as grossly leading to a very willing witness.)

Cross-examination, by Mr. DONOVAN, counsel for contestee:

54 Q. Where do you now reside?—A. At the same place, sir, 1600 North Main street.

Q. When did you come to the city of Saint Louis?—A. Last nineteenth (19th) March a year ago, sir; nineteenth day of March a year ago.

Q. Where was your residence then?—A. I lived on Twelfth and Morgan, in the rear, and after that I lived on Carr, 1112 North Twelfth street, between Carr and Biddle, and I moved from there down to Main street to this here place, 1600 North Main.

Q. How often, during your residence in Saint Louis, have you changed your place of abode?—A. I have changed my place of abode four times. Yes, sir; I moved from Twelfth and Morgan down to 1121 North Twelfth street, on the west side; then I moved across the street again, near the same place; and after that, on the first day of 55 April, I moved down to Main street, 1600 North Main; I think that is four times from the first.

Q. Were those all the changes that were made?—A. Yes, sir; all the changes.

Q. When did you move, now, to the building 1600 North Main?—A. First day of April.

Q. 1880?—A. No, sir. Oh, yes, sir; 1880, I moved in that building, North Main street, 1600.

Q. What was the number of your poll?—A. I don't know that there was any. It is the 39th precinct; that is all I know about it.

Q. How do you know it is the 39th precinct?—A. That is what I was told, that it was the 39th precinct.

Q. Do you know whether that was the proper precinct for you to vote at?—A. That's what they told me where to vote—for them 56 that was in the Fourth ward.

Q. Who told you that?—A. I was told that by different men; that the Fourth ward voted at the 39th precinct.

Q. Who told you that?—A. Well, I don't remember any person particularly. I just learned that that was the place.

Q. Do you know whether that was correct or not?

WITNESS. 39th precinct?

COUNSEL. Yes.

A. Well, I suppose it was correct, else I would have been corrected in my error, if I erred in it at all; of course I was in the Fourth ward, and I went there all the time.

Q. You do not know whether that was the proper precinct for you to cast your ballot, if you were entitled to cast a ballot?—A. Of course not, no more than I was told; I was told that was the proper place.

57 Q. Do you know the names of the judges of election at that precinct?—A. No, sir; I do not know the names.

Q. Were you registered at the city hall?—A. Yes, sir.

Q. When were you registered at the city hall?—A. Well, I don't know exactly what day of the month it was I was registered there, but I suppose it was about four weeks before the election.

Q. Who brought you to the city hall to register?—A. I went there myself. Well, there was some few of the boys went there with me; some three or four of the boys went with me; I don't remember which ones they was now.

Q. When you registered at the city hall, did you give your number as 1600 North Main?—A. Yes, sir; I did.

58 Q. Do you know whether or not you were accepted by the officers?—A. Yes, sir; they done took my name, and they swore me in.

Q. Do you know what action they took upon it?—A. No, sir; just only asked me my name, and how long had I been in the city; and I told them; so they took my name. And that's all I know.

Q. Do you know what action was taken upon the name; whether you were accepted or rejected?—A. They accepted my registration. Yes, sir; they accepted that.

Q. After you went to the city hall, did you move from this place?—A. No, sir; I haven't moved since.

Q. Did you offer on election day to register and vote?—A. I offered to vote, sir; I didn't offer to register no more.

Q. What was the reason given by the judges that they would not receive your vote?—A. Well, they said we wasn't legal voters; they 59 said they wouldn't allow no niggers from that building to vote.

Q. Did they give you any reason why they would not let any negroes from that building vote?—A. He said there was no niggers legal voters in that building, except one man, and that was Henry—I have forgotten his last name, but there was only one negro man they would allow to vote; that he was the only negro voter in that neighborhood. His name is something like Knapp, or Knappy or McNapp.

Q. Can you give the name of the gentleman that told you that?—A. No, sir; I don't know the name at all.

Q. Didn't you take interest enough to find out his name?—A. I never could find out the name, sir.

Q. Yet you remained all day at the polls, up to the time of your 60 arrest?—A. Yes, sir; they sent me away, of course, to get some witnesses, and I would go long enough to get the witnesses, and then I went back again. My boss went with me. Of course they told me to come back.

Q. Who told you to come back?—A. The judge told me to come back. One of the judges said that he reckoned he would have to receive that vote; he said so to the United States marshal, and one of the men inside said, and I think was a judge, he said that he wouldn't receive it.

Q. This judge treated you politely?—A. Yes, sir; he treated me manly; he seemed to be a great-hearted man.

Q. They talked about it as to whether your vote was a legal vote or not?—A. Yes, sir.

Q. And the majority decided that it was not legal?—A. Not legal. Only one man held out for me.

Q. Do you know the politics of the judge that decided that you were a legal voter?—A. No, sir; I do not know whether he was a Democrat or Republican. I do not know.

Q. But the judges treated you politely?—A. Yes, sir; that one did; that one gentleman did. He looked something like that gentleman over there.

(Witness refers to a gentleman present in the room during the taking of these depositions.)

He had a gray beard; he seemed to be willing to receive my vote, but the other would not—the young man judge wouldn't.

Q. How long did you remain at the polls?—A. Well, I was there, of course, very soon in the morning, off and on up to the time I was arrested, off and on.

Q. What hour in the morning did you come?—A. I disremember as to what time I got up there. It was very early, about sunrise, as we got up.

Q. And you remained at the polls, with the exception of the time that you spent looking for the witnesses, until 3 o'clock in the afternoon?—A. Yes, sir, and in going home once; I just went down home once.

Q. What was your business then?—A. Well, I was electioneering on that day around.

Q. Electioneering for whom?—A. For the Republican party.

Q. That is the reason that you remained at the polls?—A. Yes, sir; around about, just within a certain distance.

Q. What is your business now?—A. Well, I have been sick pretty nearly all the time since; I ain't worked much anyhow since then; I would just do jobbing around; I had a regular job then, and I got out of it; I was working at the tobacco factory, but by being up there of course I lost the job, and I haven't been in it since. That is on Elm street.

Q. How long have you been out of employment?—A. I have been out ever since the election; of course I couldn't get back. Somebody else got into the place, or I might have got back the next day if I hadn't been arrested.

Q. You were arrested by a United States marshal opposite to Felix Coste, the marshal, for the eastern district of the State of Missouri?—A. I know that this was a Democratic marshal; that's all I know about it.

Q. Do you know whether he was a Democrat or a Republican?—A. Yes, sir; he was a Democrat.

Q. How do you know it?—A. Well, I knew from his conversation and from the party that had me arrested; of course he was with them men; he was on that side; I knew that; I seen him several times since; of course he has told me that he didn't blame me; that every man had a right to vote for his party. I have talked with

the man; he says every man has a right to vote for his party; he said he had nothing against me; that he would vote for his party just as I wanted to vote for mine, and he didn't blame me for wanting to vote for mine. I know from that that he was a Democrat.

Q. He was a public officer?—A. Yes, sir; he said he was a marshal.

Q. Now, what did you do that caused your arrest?—A. I never did anything more than just try to vote, and the judges, I suppose, got tired of my coming up, and they says, "We will have this fellow arrested." One fellow said that. He said, "If you come here again I will have you arrested." I says, "Can't I vote?" And he says, "No, you have been here before and you can't vote; now, if you come again, I will have you arrested."

Q. How often did you try to vote?—A. Four times; I went there four times.

66 Q. Were you not noisy?—A. No, sir; I didn't make any fuss at all. They come to me and say, "If you come to try to vote here we will arrest you"; they says, "You done voted here"; I says "I am going to vote here for the Republican ticket"; and they say, "If you do we will have you arrested and send you to the penitentiary for five years." I say, "I can't help that"; I say, "I have a right to vote; I know I have been in the city long enough to vote," and he says, "Well, if you do we will send you up sure."

Q. Who was this fellow who said you couldn't vote there?—A. Well, all the judges, except one, of course, agreed with him.

Q. But the marshal did not arrest you until you had been told four times what the judges' decision was, that they were not satisfied that you were a properly qualified voter?—A. They told me to come back each time.

66 Q. And you came back?—A. So I went back.

Q. And then they gave you this information?—A. Yes, sir.

Q. Then they informed you that you were not a voter there—that you were not a properly qualified voter there?—A. Yes, sir.

Q. Then you went, notwithstanding they told you that, and had given you their conclusions on your second visit to them, you persisted in attempting to vote?—A. Yes, sir; the second time they told me to come back; they asked me a second time to come back; the first time I went there they told me simply that I couldn't vote, and the second time I went back they told me to get some witnesses, and I went and got the witness, and they wouldn't receive that witness because he was a colored man.

Q. Did they tell you they wouldn't receive him because he was a colored man?—A. Yes, sir.

Q. Or because they couldn't place reliance on his word to identify you?—A. Yes, sir; they told me to go and get white men; I told them I didn't know any white men, and they told me to go and get Mr. Kountz; he has got a grocery and bar-room up in that neighborhood. I told them I didn't know anything about him, I just simply know him as a citizen. I was in the building ever since the first of April, and that is all he knows of me. They told me that I must bring some white man that knows me over twelve months, and I said I had only been there seven months, and Mr. Kountz didn't know anything more about me—he didn't know any more about me than anybody else there.

Q. Did you offer to swear to your qualifications as a voter?—A. Yes, sir.

Q. Did they offer to have you sworn, or did you offer to swear;

68 did they ask you?—A. They asked me, and just then a judge says, "Hold on, he can't vote nohow; no fellow comes in from that building; I know this fellow; I know this fellow well; I knowed him in Bolivar County, Mississippi," and that just squashed it, and they didn't swear me at all.

Q. Who said that he knew you in Bolivar County, Mississippi?—A. Cahill, I believe is his name.

Q. Was he a white man or a colored man?—A. White man, sir.

Q. He stated that you were not a properly qualified voter?—A. Yes, sir.

Q. Now just pass to your arrest. What were you doing?—A. I never did anything at all more than just went up; the last time I went up they said, "Hello, old fellow, have you come again?" and I went up to the window and had my ballot in my hand—folded up in my hand—and I was sticking it in. He then steps up to the window and says, "You can't vote here; this fellow can't vote here;" and then this man 69 went in from the outside. I don't know what was going on inside then, but he says then: "Now you go 'way from here or I will have you arrested." So then a man come up there and laid his hand on my shoulder and said he arrested me, and I went with him down the street.

Q. Did the judges inform the marshal that you were creating a great deal of noise; that you persisted in wanting to vote; that they had decided that you were not a properly qualified voter?—A. Just as soon as he said, "I will have you arrested," I thought the best I could do would be to get away from there, but still I staid there, and presently this marshal came up to me and slapped me on the shoulder 70 and said, "I arrest you." The marshal told me while he was carrying me down that I mustn't blame him, because he was ordered to do it.

Q. Why did the marshal tell you not to blame him?—A. I don't know.

Q. He was polite to you?—A. I don't know, sir; he told me he was ordered to arrest me.

Q. He said he was ordered by whom to arrest you?—A. By the judges, I reckon; I don't know.

Q. He felt sorry about it?—A. Yes, sir; so he said.

Q. And he treated you politely?—A. Yes, sir; he treated me very politely.

Q. And believed it was his duty to arrest you under the circumstances?—A. Yes, sir, and told me not to blame him; that's what he said.

Q. Now, did you hear any orders given by the judges to the 71 marshal?—A. No, sir; I walked away just as soon as this fellow said, "I will have this nigger arrested;" then I just walked away and stood off there until they came to arrest me.

Q. The poll was a quiet one?—A. No, sir; it was rough all the time. Them fellows there was rough to every colored man that came there, and they wouldn't let him get to the polls.

Q. Was anybody hurt at that time?—A. No, sir; some white man—they hit a white man there and hurt him, but no colored man was hurt there. A couple of white men got to fussing, fighting, and hurting each other.

Q. You were not particularly frightened?—A. Yes, sir; I was stirred up pretty bad, because I had been to several elections; but this 72 was the worst election I was ever at in my life.

Q. Were you hurt?—A. No, sir; I wasn't hurt at all, sir.

Q. Was anybody else hurt except a couple of white Democrats?—A. I don't know whether they was Democrats or Republicans, but then they never hurt any Democrats. They must have been white Republicans.

Q. Can you give their names?—A. No, sir; I don't know their names.

Q. How did you know they were Republicans?—A. I knew they was.

Q. How did you know it?—A. Because I think that is the young man that I went up with down there—that gentleman there.

Q. You remained at the polls all day persistently attempting to vote after you were told that you were not a properly qualified voter, and yet you left that poll late in the afternoon without being in any manner injured?—A. I were not injured at all, sir.

Q. Nor got into a fight with anybody?—A. No, sir.

Q. So you were the only man arrested that day?—A. That is the only man that I know that was arrested that day from that poll; of course I wouldn't have went back the last time if they hadn't told me. Then, of course, there was some white Republicans down there, that come down, of course, on Main street in a buggy, and told us boys to come back, saying that we could cast our votes; so that we went back, and I stood off, and I says at the time, "There isn't any use of going up there"; and I shouldn't have gone up there if this white man hadn't told us to go up there again, and that's the way I come to go up again. I don't know who this white gentleman is; I don't know the names.

Q. Were you not both impudent and persistent in offering your ballot after the judges had decided upon its validity?—A. I don't exactly understand that.

(Question read.)

Mr. POLLARD. Do you understand what the words "impudent" and "persistent" mean?

A. He asks did I subsist there that day, and if I acted imprudent in it. No, sir; I was quite harmonious all the while; I didn't try to disturb the peace at all. I was very quiet; never raised my voice.

By Mr. DONOVAN:

Q. Were not friends of yours backing you there, and noisy in their efforts to scare the honest voters at that particular poll?—A. Oh, no, sir; no, sir; no, sir. I had no particular friends at all; I had no backers at all in it. I didn't wan't any; I just only tried to vote for myself.

Q. You have told me that you were a paid canvasser at the poll, have you not?—A. Yes, sir; I was electioneering on that day. Yes, sir.

Q. A paid canvasser?—A. Yes, sir; yes, sir.

Q. Now, if you were a paid canvasser at that poll, will you please explain to me how it came that you went back to your business and had to be solicited by some Republican to come and cast your ballot—had to be solicited to come from your business place, wherever that was?—A. I didn't only walk around a certain distance; of course, I didn't stand right up to the poll all the time; of course, I was standing round at a certain distance, but I thought I had a right to go and cast my vote on that day. I didn't stand right up to the poll, and I didn't tell any person to do this or that. If anybody had asked for a ticket,

I guess I would have given it to him.

Q. But I understood you to say that you went back to your

residence, or your business place, and then somebody came there in a buggy and requested you to come and try to vote again?—A. Yes, sir; I went down home to get some dinner, but I didn't stay but a few minutes before some person came down there.

Q. Didn't the party that came to see you know that you were a canvasser at the polls and supposed to be present at that precinct during the day?—A. I don't know whether they knew it or not.

Q. If you were a canvasser, can you explain why a Republican would have to go to your house, or your place of business, to bring you to the polls, if you were paid for attending to that poll?

(Mr. Pollard, counsel for contestant, objects to the question for the reason that it is irrelevant, immaterial, and, furthermore, because the only apparent object of counsel for contestee is to prolong and drag out the examination, and to consume as much time as possible.)

A. I only just stepped home to dinner to get me something to eat. I was only there two or three minutes; of course, I had been walking around there all day and hadn't anything to eat. It was only a couple of blocks from my house.

By Mr. DONOVAN:

Q. Do you know how many people voted at that poll?—A. No, sir; I do not.

Q. How far from the poll did you usually stand?—A. Well, off about a couple of blocks around.

Q. While you were at that poll, how many men were with you at any one time?

WITNESS. How many were with me? I had no men with me at all.

78 Q. How many men were in your immediate vicinity on the street?—A. No person with me at all. I was to myself.

Q. There was then no crowd?—A. No, sir; no crowd with me at all.

Q. At any time?—A. No, sir.

Q. Who invited you to come here?

WITNESS. When, to day? I was subpoenaed here the other day.

Q. By whom?—A. Mr. Smith.

Q. Did you have any conversation with Mr. Smith prior to your being subpoenaed?—A. No, sir; none at all.

Q. How did Mr. Smith come to know that you would say anything regarding this election?—A. I don't know, sir.

Q. Did you inform anybody of these facts?

WITNESS. Of these facts?

COUNSEL. That you were now testifying to?

79 Q. A. I have been down here before the court before, sir.

Q. Did you inform anybody of these facts?—A. No, sir; I have talked with no persons at all, sir; I have just called down as I am here. I have had no conversation with any person at all in any particular sense.

Q. Did you know you were going to be subpoenaed?—A. No, sir; I didn't know anything about it at all.

Q. Did you volunteer to inform anybody of what you are now testifying to?—A. No, sir.

Q. You were just subpoenaed on general principles?—A. Yes, sir; that's all I know about it.

Q. Do you know whether or not the majority of the voters at that poll were white men or colored men?

WITNESS. Whether they were white or colored?

Mr. DONOVAN. Yes.

80 A. No, sir; I don't know.

Q. How many colored men voted at that poll on that day?—A. I don't know of any without that there man did that I told you. I didn't remember his name; they told me he was let to vote, that is all I know about it. I don't know of anybody else unless it was that man; the said he was allowed to vote there.

Q. How many colored men live in the district?—A. I don't know, sir.

Q. But the majority of men that live there are white men?—A. I don't know, sir, whether the majority are white men or colored.

Q. Were you standing close enough to the poll to see who did vote?—A. No, sir; except when I went up there. I know they never let a colored man vote when I was there.

Q. Because the judges had an objection which they stated to 81 you?—A. Yes, sir; that is, in my case.

Q. Informing you that you were not a proper voter at that precinct?—A. Yes, sir.

Q. And for reasons which they gave you?—A. Yes, sir.

Q. And gave you politely?—A. Yes, sir; there wasn't but one judge used any politeness at all. The others was very rough themselves.

Q. They didn't scare you?—A. No, no, sir; they didn't scare me. I wasn't scared at all; but I know'd it was a very rough time; still they didn't scare me at all.

By Mr. POLLARD:

Q. You are a colored man, are you not?—A. Yes, sir.

Q. Now when you registered, did they give you a ticket?—A. No, sir; at that time they were not giving a ticket when I registered.

Mr. DONOVAN:

82 Q. Are you paid for giving testimony here to-day?—A. No, sir; I aint paid as I knows of. I don't know as I am paid for it.

Q. Did you get any promise of pay?—A. No, sir.

Q. You are doing nothing?—A. No, sir; I haven't got any work; I am not occupied now; I aint working at anything in particular.

Q. Who conversed with you about your coming here?—A. No person at all; no person, for I was just simply subpoenaed. I have had no conversation with anybody.

Q. And no promises made to you?—A. No, sir.

Q. And you don't expect anything?—A. I don't know; if I get anything I will be very glad.

Q. How long have you been idle?—A. I have been idle—

(Mr. Pollard, counsel for contestant, objects to the question as 83 not proper matter for recross-examination, and not called out on the re-examination.)

A. I have been idle off and on ever since the election. I have had no steady work since election; of course I worked a little, but I haven't had a steady job.

Signature waived.

84 P. A. READ, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. P. A. Read.

Q. Where do you reside, Mr. Read?—A. 1620 Broadway.

Q. Were you in the city on last election day, the second day of last November?—A. Yes, sir.

Q. Were you at the polls most of that day?—A. Yes, sir.

Q. What polls or precinct?—A. Thirty-ninth, I think, if my memory serves me right.

Q. Did you live in the same precinct as the last man testifying here?—A. That is we voted there.

Q. You offered to vote there?—A. Yes, sir.

85 Q. How long were you at the polls that day?—A. Well, sir, I was at the polls from six o'clock in the morning. I guess I was away from the polls may be two hours. I doubt that even.

Q. What is your business?—A. I am a barber myself.

Q. You are a colored man yourself?—A. Yes, sir; I think I am.

Q. You say you were at the polls nearly all that day?—A. Yes, sir; I was there in behalf of the Republican party.

Q. Now state whether or not there was any intimidation attempted by Democrats at those polls on that day against Republican voters, and especially colored voters?

(Mr. Donovan, counsel for contestee, objects to the question as leading to a willing witness and an active Republican agent.)

A. Yes, sir; I see'd one voter, a colored man, come up to vote.

86 There was one white man named Cahill—I think that's his name—and another man named Dugdale, and if a colored man voted they would challenge his vote. It seemed that I was a sort of leader there in regard to colored people voting, and when they would challenge a man's vote I went with him to swear him in and to get proof that this negro was a legal voter. They would challenge him after he got to the window, and would then tell him to come inside, and they would tell him he must prove himself to be a citizen, and he would go outside again. If any negro come there this Cahill would say he knew every negro that was there that had any right to vote at those polls, and the supervisor and them both would stand away and not do nothing.

87 The supervisor was always ready to allow colored men to come there, but when they got to this window—they were sitting here you see in this way (indicating), and the colored man would come to vote over here (indicating); then this Cahill would challenge him and say, "You can't vote here; I know every nigger that belongs to this poll; I challenge that vote"; and so they wouldn't let him vote except he could get a man to prove that he had been living in town so and so many months; so I gets Mr. Jones; I gets him as my proof; then I goes back and I sees this crowd there a shoving and a pushing and I asked the supervisor if the colored man's vote was taken; they hesitated, and then they told me to go to the other window and they would talk about his case—the supervisors would; they told me he could come back directly and they would let him know. That was the sort of bulldozing I saw there that morning. I was up there along with fifteen or sixteen others, and that's the way we were

88 used by this Dugdale and this Cahill; they was in there; they was the leading parties; they was the boss.

Q. Now state what was the manner of these gentlemen towards colored voters?—A. Well, just as I told you; if a colored man went there to vote, they would say to him, "You aint a legal voter, and if you vote I will have you arrested."

Q. What I mean is, whether they were mild-mannered or rough?—A. It was a rough manner—"If you attempt to vote here I will have you arrested, and taken down." They said this to the colored men—that

they would have the marshal arrest us ; they didn't talk to the policeman that was there, but ordered the marshal to arrest Windom—the supervisors did ; I believe he was a supervisor.

Q. State whether or not there were more colored men's votes
89 refused there that day, than Windom, who had been properly registered.—A. Of colored men, yes, sir ; I guess there was about fifteen or twenty, or thirty ; I couldn't tell exactly, there was a good many that was objected to, and they wouldn't allow them to vote.

Q. Had these men been on the registration list ?—A. Yes, sir ; their names was on the books, but Cahill didn't know them, and made this remark to the judges. I says, " Judge, it isn't necessary for Cahill to know every negro that lives in this precinct; because he don't sleep with everybody is no reason why a gentleman doesn't live here; it is impossible for him to know it." One of the judges says, " Cahill has lived here twenty-five years; he knows every nigger that has been here." One old darky that has been here for twenty-five years, they wouldn't let him vote neither.

90 Q. Then the judges, instead of taking the registration list as their guide, took Mr. Cahill's word ?—A. Yes, sir.

Q. And no colored man on his statement would be permitted to vote, whether he was registered or not ?—A. When Cahill said, " I challenge that vote," they wouldn't allow him to vote ; and he would ask them why they wouldn't allow him to vote, and the judges would say, " Cahill doesn't know him." I asked a Republican gentleman there if he wouldn't help me to try and get these negroes' votes in.

Q. Can you give us the name of some colored man who was thus rejected, although his name was on the registration list ?—A. There was a colored man, Bill Cornell by name, and he tried to vote, and he was rejected too ; they said he couldn't vote unless he got somebody 91 to prove that he lived there so and so many months ; so I went down to get a white man to prove that he had been living down there so many months ; and he came here and said he had been living there thirteen months.

Q. Did they allow this colored man to vote after that ?—A. I disremember ; there was such a row I don't remember whether he voted or not.

Q. Were any of the colored men who wanted to vote at that polls driven away ?

(Mr. Donovan, counsel for contestee, objects to the question for the reason that it is leading, to a very willing witness.)

A. Well, there is so many styles of driving away that I couldn't exactly answer that question.

Mr. POLLARD :

Q. State what was done.—A. When a colored man would go to them polls they would say, " This is the second or third time that you 92 have been here ; if you attempt to vote again, I will have you arrested and have you put in jail."

Q. What was the result ? What would the colored man then do ?—A. Well, the colored man would just file out. I would talk to them, endeavor to get them back to the polls, and they would say, " There ain't no use in our going back, they will arrest us ; they arrested Windom there " ; so they went off on that account.

Q. How long have you been living up there in that neighborhood ?—A. About a year. I moved up there last Christmas a year ago.

Q. How long have you resided in the city of Saint Louis ?—A. I moved here in 1865 ; I have lived here fourteen years.

Q. How long have you been in the barber business?—A. Been in the barber business about fourteen years, I guess.

93 Cross-examination by Mr. DONOVAN:

Q. You were an agent of the Republican party at this election?—A. I was there, sir, in behalf of the Republican party.

Q. And, of course, a paid canvasser?—A. I was hired by the boss man in the business, Mr. McClellan. They tell me to go to McClellan and see that all the legal negro voters who should be entitled to vote should vote on that day.

Q. What is your age?—A. I am thirty-four day before yesterday.

Q. What is your weight?—A. The last time I weighed I weighed two hundred and two pounds, but I have been sick about eight weeks; I guess I have fallen off about twenty-five pounds.

Q. You are an able-bodied man and a splendid specimen, physically, of humanity, and are very well able to take care of yourself in any sort of disturbance?—A. Well, I don't know about that, sir; I am no fighting man; I never was arrested in my life.

Q. Did you get hurt that day?—A. No, sir; I wasn't. My feelings was very badly mortified.

Q. Did you see any negro hurt on that day?—A. I didn't see any one hurt; I saw one chased from the polls.

Q. That is, you saw this last man, Windom, arrested by a United States officer?—A. No, sir; I didn't see that.

Q. Who was chased from the polls?—A. Billy Donan.

Q. Was he a white man or a colored man?—A. Nigger, sir.

95 Q. Who chased him from the polls?—A. I believe the man's name is Walsh, if I aint mistaken—William S. Walsh, that chased him.

Q. Was there any other chased away from that poll?—A. None that I know of. So far as that is concerned, they was hollering to them and shoving them to get away from there.

Q. That was to facilitate the casting of the vote?—A. They talked to me because I was attempting to vote.

Q. You are a very intelligent man; you know what to facilitate, to hasten, is?—A. Hasten would be for a negro to vote and get away; that was not the case with me; the case was not to get to the poll to vote at all. “If you go there I will have you arrested”; and, then when we got there the crowd was so thick that they would shove 96 us and push us around, and before we could get to window they would threaten to have us arrested, like they did Windom.

Q. The United States officer, in the discharge of his duty there, insisted that the line should not be encumbered by men who had been twice or three times refused by the judges; that is, they who had been refused the privilege of voting by the judges?—A. They would tell those niggers that their name was on the list, but that they didn't live there; they would say, “You don't live there; you will have to get somebody that can prove that you live there so and so many months.” Then they would drop out of line and hunt up their proof. When they would come back again and try to vote, these parties would again say, “You have been here before; you had better get away from here or else we'll have you arrested.”

97 Q. What do you understand by the word “bulldoze”?—A. I will tell you; it is where you would cheat anybody out of a right that is due him; that's what I understand by it.

Q. I understand you, then, by “bulldozing” to mean an error com

mitted by the judges of election in passing upon the qualifications of a voter?—A. Well, now I understand the question. Now, you understand, I don't know whether the judge was causing this trouble or the men on the outside; it may have been his actions or the actions of the men outside; but this Cahill and Dugdale, they was the ones that would call on those votes and challenge them, and wouldn't let the negroes vote.

Q. They simply challenged the vote?—A. Yes, sir; and they couldn't prove their challenge.

Q. And that is what you mean by bulldozing—if they challenged a man's vote, after the judge had passed upon the challenge, and 98 refused to permit the party to vote?—A. Without his proving his challenge.

Q. That is bulldozing; that is what you understand by bulldozing?—A. That's what I would call it.

Q. The judge didn't hit anybody?—A. No, sir; I didn't see him.

Q. The outside men didn't hit anybody?—A. No, sir; but they sent them away from there; they told the marshal to take them away.

Q. That is, he did that to those parties who were persistently presenting themselves after their case had been passed upon as to their qualifications as voters?—A. You see there was so many; there was some that directed us to go up and vote, and then when we got up there we was objected to; they wouldn't let us vote. Cahill would say that he didn't know him, or Dugdale would say, "I know this nigger; I know when he came from the South; I know all about him."

99 That would be another objection of his. I would say to the judge, "Is his name registered?" and he says, "Yes, but," he says, "Cahill and Dugdale don't know them." I says, "Well, I knows that this man has lived there so and so many months, and if these men challenge the vote make them prove their challenge. That's the way to make a challenge; that's the only proper way to challenge a vote."

Q. How close to the polls did you stand on that day?

WITNESS. Me?

COUNSEL. Yes.

A. Sometimes I was right up to the door, and sometimes inside of the judges' office.

Q. The judges permitted you to come in?—A. I went in behind Dugdale and Cahill. I was taking a colored man in, and they would come in and charge that he had voted there already, and that they 100 wouldn't let no G—d d—d nigger vote there. So I walked by the niggers up there, and I says, if it was necessary for Dugdale and Cahill to sleep with every man in order to know him.

Q. I was simply asking you whether or not the judges did not permit you to come into their room and presence?—A. Yes, sir; they did, sir.

Q. And treated you courteously during the day as far as you yourself was concerned?—A. Well, I don't exactly—they didn't treat me badly, but neither did they treat me courteously; they objected to my taking men there simply because I was a negro; that was why they objected, and I called the attention of the negroes there to the—

Q. Why do you wander from my question? You were in the room, in and out, a privilege not generally accorded by judges of election.—A. I don't believe I started in there over once or twice, not after those fellows objected to me. There was shoving around there and I couldn't get in.

Q. But you are a negro and were permitted to go inside the polls, a

privilege not generally accorded by judges of election?—A. If a white man had been kept out of there I wouldn't have thought it so hard.

Q. But they treated you as well as they treated white men?—A. No sir; if I would go there they would tell them to take me away.

Q. But whenever a white man was going there they would permit you to go in too—a negro was permitted to go in also?—A. Yes, sir.

Q. The question that troubled the judges in regard to these negro voters was always one of identification, was it not?—A. Identification! I have to say no sir, because for this reason: he would take Cahill and Dugdale's word, when he knows, as well as any body, that he or they didn't know all the niggers that live in that precinct.

Q. How do you know that he knew that fact?—A. Knew that fact I am satisfied of that, because I knew that Cahill didn't know all the negroes in that precinct; because I am a negro myself, and I believe have a clear knowledge that Cahill and Dugdale didn't know every nigger in that precinct; he would say "I don't know him." Then would ask the judge if it was necessary that Cahill should sleep with every negro in the precinct before he could know him; but they rejected him because Cahill didn't know him.

Q. But Cahill lived in the vicinity of this negro quarter?—
103 A. I couldn't state how far the 39th precinct extends south of that poll; I don't know how far it extends south, nor do I know how far it extends north.

Q. How do you come to know that he did not know, or the judge did not know who were residents in that precinct; whether they didn't know the place of residence of these negroes against whom they ejected?—A. Well, I was just satisfied of that; he said he lived on Main and Mullanphy, somewhere around there; he worked in the gas company, and some of them niggers lived three blocks out; I don't think that he associated enough with them for him to know them all.

Q. But he may have known them?—A. No, sir; I don't think he could.

Q. You won't give him the privilege of being acquainted with them or where they resided; how many negroes offered to vote at the
104 poll on that day while you were present?—A. I couldn't say; I didn't count them; I didn't count them, sir.

Q. Well, about how many?—A. I know one time I think there were fifteen in the gang.

Q. I didn't ask you how many were in the gang; I asked you how many negroes offered to vote at that poll on that day?—A. At a rough guess I would guess, I think, in the neighborhood of thirty and forty, should think; I wouldn't swear to the exact number, you understand but somewhere in that neighborhood; sometimes they would go away; don't know who voted; they would go up to vote and the United States marshal would come and run them away. They would not be run away from the polls exactly; they would go away from the polls because there was such a going on. Then I went to down to McClellan
105 and told him.

Q. The Republican central committeeman?—A. Yes, sir; I know, I wanted him to get me a buggy to take the other niggers down to the city hall, and I asked them to stay there until I came back.

Q. The Republican central committeeman wouldn't accord you the privilege?—A. No, sir, he wouldn't; then I told him to make those white men behave themselves so that the negroes could get near the

polls to vote; but he was a diffident man and an old man, and these others were young men and very rough.

Q. Well, that's the usual election talk—it is the fashion of election days to be rough and excited.—A. That may be; but not so much so as to prevent voters from getting their votes in. I had shaved Dugdale myself that day before getting up there.

106 Q. So you know him well?—A. Oh, yes.

Q. He didn't scare you?—A. Me? No, sir.

Q. Nor did anybody else scare you at that poll?—A. They didn't scare me; I was not hurt; I staid there until six o'clock; they didn't hurt me.

Q. You staid there until the poll closed, and after?—A. It was near dark when I left.

Q. But you felt that you were pretty well able to take care of yourself?—A. That aint the thing; it seems to me that they ought not to have such goings on to frighten negroes; seems to me that isn't the right thing.

Q. But it would have been rather a dangerous thing for a man to tackle a man of your size?—A. Sometimes little men can whip big ones.

Q. You didn't notice anybody get hurt that day—anybody that 107 you met at that poll that day?—A. Jones was the man that I took home; the policeman had to hold one of them fellows off of him; Connor I believe, was his name.

Q. The policeman was there to preserve order.—A. Yes, but he didn't do it.

Q. To the extent of one altercation which occurred there and in which some white men were involved?—A. I told Mr. McClellan to take a policeman and stop the rabble there.

Q. You were particularly efficient in preserving order at that poll? —A. I was there to see that all legal negro votes should be cast if they was entitled to cast a vote; if not, then they could not vote there; I would say to the negro, "If you don't live here, don't you vote;" he would say, "Well, I can bring you two men that was citizens that have been living here a long time; they know me." I would say, "Well, 108 if you can do that you are entitled to a vote." But I didn't ask them to vote unless they were citizens.

Q. How many negro votes were rightfully cast at that poll?—A. I couldn't tell you, sir, because I didn't count them.

Q. About how many do you think were actually cast?—A. I can't answer that neither, because I don't know; I didn't know one of them.

Q. But you can tell us about how many.—A. I don't know how many. I can't give you the exact number; I can't tell you; I couldn't tell you whether there was four or fifty.

Q. But negro votes certainly were received there.—A. I don't know; there may have been some.

Q. There actually were negro votes cast at those polls on that day? —A. I saw some of them went in.

109 Q. And were placed in the box?—A. I couldn't swear to that.

Q. They were passed through the window without objection. But you can not inform me how many votes of negroes were actually cast at that poll?—A. No, I couldn't tell you that.

Q. Nor you can't approximate to the number?—A. No, I couldn't say. You see I am under oath, and I oughtn't to say anything except what I know.

Q. Do you think there was as many as ten?—A. There ought to be ten.

Q. Do you think there was a hundred?—A. I am satisfied there was not a hundred.

Q. Do you think there were fifty votes actually cast by negroes at that poll on that day?—A. Well, I couldn't tell that, sure.

Q. You can't tell us?—A. No, sir; there was not a great many.
110 But there was a great many refused, I know that.

Q. But how many were received?—A. I don't know; those that were accepted were accepted; mine was accepted, I know that.

Q. And some of the others?—A. Some few others.

Q. You don't know how many of them were actually cast at that poll on that day?—A. I couldn't say, because I was walking the ward; I was back there, of course, but not all day.

Q. Then these judges persistently refused to receive a vote of a man because he was a negro, according to your testimony, and yet you say that many negro ballots were received?—A. I couldn't tell you whether they done it or not, or if they done it at all.

Q. But if they received negro ballots there, it was not their course of action to refuse to accept a vote simply because a man was a
111 negro?—A. It must have been because he was a Republican.

Q. That is your idea of it?—A. That is my idea. Because white men were the judges and clerks of the election and no colored man was in that board.

Q. You think that the prime fault with the colored men was that they were not Democrats?—A. Well, they objected; if it was not because he was a colored man it must have been because he was a Republican.

Q. It was not on account of the color of the skin?—A. If he would show them his ballot they would object because he was not a Democrat and, of course, that would mean as much as to say, "If you are a Democrat you ought to be an upright, honest man."

112 Q. The arrest of Windom, the previous witness, was on an order given by the supervisors of election to the marshal?—A. No, sir; not supervisors. I don't think they gave him any orders for his arrest or ordering him arrested.

Q. I understood you to say that the arrest was ordered by the supervisor.—A. No, sir, I didn't say that; you misunderstood me; I said that he told me that he was ordered by the supervisor to arrest Mr. Windom, but whether or not he had been ordered to do that I don't know; the United States marshal was standing there ready to do that business, I suppose. I told a man there that I supposed the United States marshal was there that day in order to advance the interests of the Democratic party.

Q. It was not known what the politics of this United States marshal was?—A. Yes, sir, it is. You will find that he was a Democrat. The supervisor was there at that time; his name was Dugdale, as I have said before.

Q. Do you think about twenty or thirty negroes were refused permission to vote up there?—A. I think so, and legal voters; I will say thirty voters, anyhow—legal voters.

Q. Do you think them to be legal voters?—A. Yes, sir; I think them that got friends and witnesses to come there ready to swear that they had been living there for thirteen months, I think they were all legal voters. Of course if a man swears to a lie, a voter will swear to a lie also.

Q. They presented their ballot at the window?—A. Yes, sir, they did.

Q. And the judges consulted as to whether that was a proper vote or not?—A. No, sir.

Q. And passed upon it?—A. No, sir; when it was presented 114 they bulldozed there all these fellows; they would step up and challenge it, and the judges would say, "I can't take it," and I says, "Come round and let's go inside."

Q. And you would take them up?—A. Yes, sir.

Q. And you would insist that they had a right to vote?—A. Yes, sir.

Q. And the judges would give you their conclusions on the subject?—A. You know there was lots of them inside; I didn't know the judges really from the clerks or supervisors.

Q. But the matter was discussed?—A. Inside.

Q. And they arrived at a conclusion?—A. Cahill would go in there and he would say that they were not legal voters.

Q. Well, after deliberation, they would come to that conclusion?—A.

Well, they didn't do much deliberation; I just stated a while ago 115 that this man Walsh, he said, for his part (he was a Democrat), and for his part he would object. They would tell us then to go out for a while while the matter was being decided, and they would let us know in a little while. But I had to do that as often as the third time before the judges would decide the vote, and they would jerk a negro out of the line after they saw him in there two or three times.

Q. Was there any negro jerked out of that line prior to the presentation of his ballot for the first time?—A. I don't believe I know of any one, because he was never jerked out before he got to the door; he was only jerked out there, no matter whether he was a legal voter or not.

Q. That is, after the second or third, or sometimes the tenth, time?—A. No, I have known several of them the first time.

Q. Who were they jerked out by?—A. By the policeman; he told them to get out of that.

116 Q. A police officer of the city?—A. He would say, "You can't vote now; your vote is challenged; now get out of the way."

Q. Was it or was it not your object in placing those negroes in line to retard the casting of Democratic votes?—A. I told you once before I went there to see how—

Question read by the notary.

A. No, sir, it was not.

Q. But you did make two or three attempts to cast the votes of particular men after they had been refused?—A. Yes, sir; I will explain that to you if you will allow me.

By Mr. POLLARD:

Q. You say there were some thirty or forty colored men whose votes were refused?—A. Yes, sir.

Q. Were those men's names on the registration or polling books there?

(Mr. Donovan, counsel for contestee, objects to the question 117 because the recorder of voters has been a witness upon this stand, and it is through the testimony in his books alone that this evidence can be elicited.)

A. I think that all that went up there had been registered, but the registering didn't amount to anything, because these parties were not willing to allow them to vote.

Q. Were there any objections made because they were not properly registered there?—A. There was thirty or forty men that I know that was there.

Q. My question was, Mr. Reed, did they object because the names were not on the registration books; that is to say, were all the names of the thirty or forty men that you saw there that day registered on the polling books?—A. Well, I couldn't say whether all was or not, but a great many was.

Q. Were objections made against any of these men because the names were not on the polling books?—A. Well, no; I don't know. 118 have got a man to vote he would hunt for his name.

Q. Was there any objection made because their names were on the polling books? Did you hear any such objections?—A. Yes, some of those names were not on the polling books, but I couldn't tell how many. I didn't count them.

Q. Were any of those men's names, thirty or forty men, whose votes were rejected, on the registration list, and consequently entitled to vote?

(Mr. Donovan, counsel for contestee, objects to the question, for reason that this witness is not competent to prove that fact, inasmuch as such registration was the work of the recorder of voters, and can only appear from his books.)

A. You see I couldn't tell whether all was on the books or not, I didn't keep no particular account.

119 Q. What were the politics of these thirty or forty men that you saw rejected there?—A. Republican.

Q. For whom did they offer to vote for Congress?—A. Oh, for whom his name? Of course I gave them the Republican ticket straight.

Q. Did you see their ballots?—A. I gave them their tickets.
(Signature waived.)

120 CAIN ROLLINS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Cain Rollins.

Q. You are a colored man?—A. Yes, sir.

Q. How old are you?—A. I am going on thirty-seven years of age.

Q. Where do you reside?—A. I live on Main and Mullanphy.

Q. In the city of Saint Louis?—A. In the city of Saint Louis.

Q. How long have you lived in this State?—A. Came to the State of Missouri a year ago.

Q. Came to the State of Missouri a year ago?—A. Yes, sir.

Q. Where did you come from here?—A. I was born in Illinois; I went down South, and I staid there two, or three, or five years, I guess, and then I came back.

Q. Have you ever lived out of the United States; been outside the United States?—A. No, sir.

Q. You never have been a citizen of any other country, except United States?—A. No, sir.

Q. Where did you reside on the 2d of November last, on election day?—A. Well, I was living on Main and Mullanphy then; 1600 No. Main.

Q. How long had you been living there?—A. Well, I think about the time of election, I think I had been living there six or seven months.

Q. Before the election?—A. Before the election, yes, sir.

Q. Were you registered?—A. Yes, sir.

Q. At the time you were registered did the registering office give you a ticket?—A. Yes, sir.

Q. How long before the election, or about how long, did you register?—A. I couldn't remember exactly; I didn't took no account of it how long it was; I never looked back to see how long it was.

Q. It was some time last fall?—A. Yes, sir.

Q. It was while you were living at the same place where you were on the day of election?—A. Yes, sir; it was while I was living at the same place where I was living on the day of election.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. What precinct?—A. No. 39.

Q. Was that the precinct that was designated on the ticket which the registering office gave you?—A. Yes, sir; that was on my ticket.

Q. Did you offer to vote at the polls on that day?—A. Yes, sir.

Q. What ticket, Democrat or Republican ticket?—A. Republican ticket.

Q. Did you offer to vote for Mr. Sessinghaus for Congress or not that day?—A. Yes, sir.

Q. Did you vote on that day?—A. No, sir; I did not.

Q. Why not?—A. Well, there was gentlemen—white gentlemen—around there refused my vote, rejected my vote; I went there in the morning about six o'clock, as near as I can come at it, and staid there; they didn't open the polls till seven, so after the poll was open I tried to vote, and a white man says—he has a little black beard like that gentleman over there—he hollered across the table: "I challenge that vote." I says, "Why?" He says, "Because." He says I hadn't been there long enough to vote, and the other man gave the ticket back to me. They told a gentleman that had voted just before me—his name was George Harris—if I could get a man that knows me that I had been long enough there to vote that they would take my vote, but Mr. Cahill shoved me back and says I couldn't vote there nohow; he wouldn't let me give in my ticket.

Q. Did you offer again that day to vote?—A. Yes, sir; I went there the second and third time and tried to vote. And then after I had stood there I went there the second time, but they said I couldn't vote, and while I was up there this time I was talking to these gentlemen,

when in came this little white man and he again objected to my vote. As I was going away I met a white man in a buggy, and I ask him about this, and he says, "You are entitled to vote; jump in and I will take you down there again." He took me in the buggy and carried me back there again. He says, "I will go back with you and see what's the matter there." So the third time when I went up there I gave my ticket in, and the judge laid his pen on it and I started out, but

just as I turned round in comes this man Cahill again, and he says, "I challenge that vote; that party has been here three or four times, and if he pretends to vote here again I will have him arrested."

Q. Did they give you back your ticket?—A. Yes, sir; they gave it back to me; didn't take it. Then I went down to get Mr. Johnson to witness for me.

Q. Were you around that poll considerably that day?—A. Yes, sir; until way in the evening.

Q. Was your name on the polling-lists?

(Mr. Donovan, counsel for contestee, objects to that question, for the reason that the polling-list is the best evidence.)

A. Yes, sir; Mr. McClellan knows me there.

By Mr. POLLARD:

Q. Did they object to your vote because your name was not on the polling-book?—A. No, sir; they said that this white man objected to my vote; they told me I was not there long enough.

Q. Did you see any disturbance around the polls that day?—A. Yes, sir; I was told that a white man was hurt there, and they made good many threats; they got me pretty well frightened.

Q. Did you see anybody hit or struck there that day?—A. No, sir not absolutely hit.

Q. State whether or not you heard any abusive threats?—A. Well I heard them talking, threatening to have me arrested if I didn't get away from there; then this marshal came to me—he said he was marshal; he told me if I attempted to vote there again he would take me down. Mr. Read was standing right beside me then—he was standing right there, and I says, "My vote is just as much legal as white man's."

127 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. After you had attempted to vote the third or fourth time the marshal then told you that you should not bother those election judges any further?—A. He said if I attempted to vote there again to-day he would take me down. I thought he might take me to the station house.

Q. Where is this ticket that you say the recorder's office gave to you?—A. I gave it to that gentleman (indicating Mr. Metcalfe).

Mr. DONOVAN. I would like to have it produced. I now request the counsel for the contestant to give me the ticket which this witness says he received.

Mr. Metcalfe then submits the ticket for the inspection of the counsel for the contestee.

By Mr. DONOVAN:

Q. Where do you live now?—A. I live on Main and Mullanphy 1600 North Main.

Q. How long have you lived there?—A. I have lived there about six or seven months, I think, before the election; I never took no account of the month.

Q. Do you know whether it is six or seven, less or more?—A. I know it was along about there, no shorter and no less.

Q. The third time that you came to offer to vote you brought with you a white man—came to the polls in his buggy?—A. Yes, sir; he took me in his buggy and brought me back there.

Q. Did he argue your case with the judges?—A. He went up there and spoke to them about my ticket, and told me to come right along behind him, and he stepped to the window and talked with these gentlemen.

Q. And the judges informed you at the window of their conclusion in regard to your right to vote?—A. I didn't pay so much attention to what they said to me; they told me I wasn't entitled to vote.

Q. Your friend said that you were not entitled to vote; what 129 did the judges say?—A. They said, "That vote is challenged."

Q. And that you can't comply with the law?—A. He didn't say no more than that.

Q. Well, your white friend argued your case?—A. Yes, sir; he talked with them as long as they let him, and then I handed in my ticket to them and stepped out; but just then this white fellow says, "You have been here three or four times; now if you come here again and attempt to vote, I will have you arrested."

Q. How long did your white friend argue with the judges about your qualifications?—A. He talked with a whole lot standing 'round there, and them white fellows looked as if they were waiting to get on me.

Q. What do you know about bulldozing; what is your definition?—A. It means fight.

Q. Did anybody attempt to hit you?—A. No, sir; they didn't attempt to hit me, but I was thinking my time was close, to 130 judge by the way they was going on.

Q. Well, nobody's time came on that day, in the sense in which you speak of it?—A. Yes, sir.

Q. Anybody killed?—A. No, sir; I didn't see anybody killed.

Q. Any negro hurt on that day, at that poll?—A. I never saw any hurt.

Q. And you were there all that day?—A. I was backwards and forwards all day long; everybody that I talked to outside told me that I could vote, but when I got up there I was always challenged.

Q. If you were badly scared it wouldn't be likely that you would have remained in a place where you were likely to be hurt?—A. I was right smart frightened, but I wanted to get my vote in.

Q. And you staid there all day after you had learned the conclusion of the judges?—A. Yes, sir.

Q. Weren't you paid for electioneering?—
131 WITNESS. Me?

COUNSEL. Yes, you.

A. I wasn't electioneering on that day; no, sir.

Q. How did you come to devote your whole time on that day to the polls?—A. Because I was trying to get my vote in.

Q. Who induced you to do that?—A. Well, that gentleman there, Mr. Smith, and another gentleman.

Q. Members of the Republican central committee?—A. So they said; I took them for Republicans.

Q. Did they promise you pay for working?—A. No, sir.

Q. Did they pay you for your work?—A. On that day I didn't go to the poll to do nothing except to vote.

Q. For what work, as a Republican agent, did you receive pay?—A. Well, I received pay for appearing before the grand jury.

Q. You were paid for going down there to give your testimony?—

A. Yes, sir.

132 Q. Paid by whom?—A. I received a ticket there.

Q. I mean, did you receive any pay from the Republican central committee, or from anybody appointed by them to employ Republican agents?—A. Yes, sir; we were appointed to go to the clerk, and somebody there—I don't know the name of the man—he was a white man—he told us to go right across the street, and we could get our money there.

Q. Whom did you get the money from?—A. From the barkeeper.

Q. You say Mr. Smith, the chairman of the Republican central committee, requested you so to act?—A. I asked this Mr. Smith to inform me—to let me swear somewhere where I can get to vote.

Q. Then you were not engaged in any business on election day ?—
 A. No, sir.

Q. Just devoted your day and remained there at the polls an
 133 tried to vote every hour or two until you could vote ?—A. Well,
 would try to vote, but I didn't vote. Every chance I would go
 I would try.

Q. Were you requested by anybody to clog up the line of the voters
 so as to prevent a full ballot of the Democratic voters at that election
 WITNESS. To clog up the polls ?

COUNSEL. Clog up the line so as to prevent Democratic voters from
 casting their ballots ?—A. No, sir; nobody didn't tell me to clog up the
 line.

Q. Was that your object by repeatedly standing in line ?—A. No,
 sir; just to vote and get away from there to my work. I was working
 at Leggett and Meyer's tobacco factory at that time, and they drove
 me off afterwards. They told me if I could make my living at law
 had better do so. They didn't like it because I didn't get back in
 time that day.

Q. Spending your time at law ! Do you pretend to the profession of law ?—A. I just only wanted to vote, that is, the time
 134 I spent there.

Q. I guess you had a good deal to say there ?

WITNESS. At the polls ?

COUNSEL. At the polls, and at your place of business ?—A. No, sir;
 I did not; I had no great deal to say about it.

Q. What would provoke the remark that you were spending a good
 deal of your time at law ?—A. They knew better than that; when
 got back there they knew where I had been just as well as I knew
 myself.

Q. Who invited you to come here ?—A. Mr. Smith; he give a notice
 to me night before last.

Q. Did he tell you what you had to testify to here ?—A. No, sir; I
 didn't; he just told me I had to appear here.

Q. Did you tell him what you were going to testify to here ?—A. No,
 sir.

Q. And nobody knew what you were going to say before you appeared
 here on that stand ?—A. No, sir.

135 By Mr. POLLARD:

Q. I will ask you if you know H. Smith ?—A. I know a gentleman by the name of John Smith.

Q. Do you know John Smith ?—A. Yes, sir.

Q. Residing at 1600 North Main ?—A. Yes, sir.

Q. Do you know Sam. Rollins ?—A. No, sir; I ain't acquainted with Sam. Rollins. The only Sam. I know is Sam. Wipdom.

Q. Where is this John Smith who resided at 1600 North Main ?—
 A. He is here somewhere.

Q. He is in town, is he ?—A. Yes, sir.

Q. Do you know Sander Bouser ?—A. Yes, sir.

Q. Where is he ?—A. He is across the river working on the bridge somewhere.

Q. Do you know E. Kannann ?—A. I know Elijah Kinua.

Q. Where does he live ?—A. I don't know what his number is; he lives right below me.

136 Q. How far below you ?—A. Just one block.

Q. Do you know John Dorsey ?—A. No, sir; I don't know him.

- Q. Do you know William Gray?—A. No, sir.
 Q. Where he was living?—A. No, sir.
 Q. Do you know Sam. Johnson?—A. No, sir.
 Q. Do you know Thomas Knapper?—A. Yes, sir.
 Q. Where does he live?—A. He lives 'way above me.
 Q. About how far?—A. About two miles; or mile and a half.
 Q. Do you know George Leland?—A. He lives in the same building as I do; 1600 North Main.
 Q. Do you know Elijah Kimball?—A. I just know him, and that's all; I don't know where he is.
 Q. Do you know Perry Whalen?—A. No, sir.
 Q. Do you know William Wilson?—A. I know a Wilson Lee.
 137 Q. But this is William Wilson.—A. I don't know him then.
 Q. Now, where are George Leland, Elijah Kimball, and Sander Bouser?—A. I don't know Mr. Bouser, where he is just now; I think they are all on boats; I don't think they are in the city. This Leland is in town.
 Q. Did you see Kimball and Bouser on election day?—A. I seed Bouser; I disremember whether I seed Kimball or not, but I seed Bouser.
 Q. Did you see him offer to vote on that day at precinct 39?—A. Yes, sir; he went up there and just as soon as they rejected his vote he went off; I don't know whether he voted or not.
 Q. Did he offer to vote?—A. Yes, sir; I seed him come up to the polls; his politics was Republican.

By Mr. DONOVAN:

- Q. You didn't see his ballot, did you?—A. I never seed him with any registration paper; I saw him have one of those tickets; I saw him have it folded up in his hand.
 138 Q. You saw him come away from the polls, but you don't know whether he went back and voted or not?—A. No, sir; I don't think he did.

(Signature waived.)

At this point a recess was taken until 2.30 o'clock p. m.

139

AFTER RECESS.

Parties met as before.

The contestant thereupon called Mr. J. H. HARTWIG, who was produced, sworn, and examined on the part of the contestant, and deposeth and saith as follows:

Direct examination by Mr. POLLARD:

- Question. What is your full name, sir?—Answer. J. H. Hartwig.
 Q. Where do you reside?—A. 1701 North Main.
 Q. Where were you on the second day of last November, last election day?—A. I was at that store; I left the store between seven and eight o'clock with the intention of voting.
 Q. Seven or eight o'clock in the morning?—A. Yes, sir; and went there to the polls.
 Q. What polls?—A. Thirty-ninth precinct. There was so much of a crowd there that I hadn't any chance to vote at that time, so I thought I would go back to the store and attend to business, and about ten 140 o'clock I went back; I was not registered, so I had to be registered first; my vote was challenged by some gentleman, name

of Cahill ; I don't know his full name ; I have seen him several times; two or three times before that.

Q. Were you registered ?—A. No, sir.

Q. Before your vote was challenged ?—A. No, sir ; so I went back to the store again, and when the boss went off, after he came back he says, " You come with me; I will see that you cast your vote." I then went up and was sworn in, and then I cast my vote all right.

Q. What occurred after that, if anything ?

WITNESS. After that ?

By Mr. DONOVAN :

Q. You cast your vote all right, you say ?—A. Yes, sir ; I voted all right.

By Mr. POLLARD :

Q. Go ahead; tell us all about it; what are the facts ; what occurred at the polls ; did you see any trouble ?—A. No, sir ; after my vote was cast I walked off.

141 Q. Prior to that time did you see any trouble or disturbance ?
—A. No, sir.

Q. Did you go to the polls again after that ?

WITNESS. No, sir. After that ?

COUNSEL. Yes, sir.

A. I went with a negro that we had ; he said he had been there two or three times—

COUNSEL. You needn't say what he said, because that aint competent.

Q. You then went back to the polls with this negro ?—A. Yes, sir ~~s~~ and before I am sworn in the boss said, "Take him up and have him sworn in and let him cast his ballot;" and I went with him, had him ~~s~~ sworn in, and he cast his ticket. After we were going out along Hempstead street, about a half a block from the polls, this same crowd gathered of course—

By Mr. DONOVAN :

Q. This after the negro had cast his vote ?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to any question ~~s~~ 142 on that subject as to what occurred after the negro had cast his ~~s~~ vote.)

A. Well, some young fellow, his name I don't know, I have seen him ~~s~~ but once or twice in my life; he came up and says, "I can lick you — I says, "I don't know that you can." Then just as I said that I got a lick in the mouth, and as I stepped back I got another lick in the back of the neck ; then I thought it was time for me to " git."

By Mr. POLLARD :

Q. Were you creating any disturbance on that day ?—A. No, sir ~~s~~ none at all whatever.

Q. Was this colored voter with you at the time ?—A. He was a half a block ahead of me ; he was not going home.

Q. Was there much of a crowd there at the time this occurred surrounding you ?—A. Yes, sir ; there must have been from forty to fifty around, I suppose.

Q. What cause, if any, did they allege for beating you ?—A. Well, my cause—

143 Mr. DONOVAN. He hasn't said that anybody alleged any cause.

A. Well, my cause was that I had taken a negro down and sworn him in, that's all.

Q. Were you creating any disturbance or making any trouble in the ward?—A. No, sir; nothing whatever.

Q. Then the only cause that they could find for beating you was the fact that you had taken this colored man down there and had him sworn in?

(Mr. Donovan, counsel for contestee, objects to the question, because it is a matter of opinion.)

A. That's a question I couldn't answer.

Q. What time in the day was that?—A. That was about one o'clock, after dinner.

Q. Had that colored man been to the polls trying to vote before that?—A. So he says. His name is William Donan.

Q. He was permitted to vote then?—A. Yes, sir.

144 Q. When you went with him?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Where were you employed at on that day?—A. William Remmert's 1701 North Main street.

Q. That is your place of residence, is it?—A. No, sir; only employed there.

Q. You gave that, in your direct examination, as your place of residence. You say now that it is not?—A. That is where I am employed; I live there.

Q. Do you mean to say that you live in the store; sleep there?—A. Yes, sir.

Q. Eat there?—A. Yes, sir.

Q. What business does Mr. Remmert keep?—A. Grocery.

145 Q. Do you sleep in the store or over the store?—A. Right next to the store, adjoining rooms.

Q. You have a room there?—A. Yes, sir.

Q. How long have you been living there?—A. Up to this day, about fourteen months.

Q. But how long prior to the election?—A. About twelve.

Q. How long have you lived in the State; how long prior to the election have you lived in the State?—A. That is twelve months.

Q. From what State did you come here?—A. From Indiana.

Q. When did you arrive here?—A. Last September 26th a year ago.

Q. What time in September?—A. Twenty-sixth, I said.

Q. Did you register at the office of the recorder of voters?—A. No, sir.

Q. Did you attempt to register at the office of the recorder of voters?—A. No, sir.

146 Q. Do you know whether or not 1701 North Main street was in precinct 39, at which you voted?—A. I do; I understood it through others; it is on the corner of Howard and Main.

Q. On which corner of Howard and Main?—A. Northwest corner.

Q. You voted?—A. Yes, sir.

Q. The negro that went with you voted?—A. Yes, sir.

Q. Have you any objection to stating for whom you voted?—A. No, sir; none whatever.

Q. For whom did you vote for Congress?—A. Frost.

Q. And yet you were the man that got hit?—A. Yes, sir.

Q. Were these parties Republicans that hit you?—A. That is more than I can tell you; I don't know.

Q. Have you any idea what their politics were?—A. No, sir; 147 they never spoke to me about their politics. I haven't seen them over two or three times in my life. I don't know who they are or what they are.

Q. Do you know whom the negro voted for?—A. No, sir; I couldn't swear to anything of that kind. I don't know who he voted for.

Q. You just went up to do your duty as a citizen, and did your duty in regard to this negro, and were indifferent what he voted or whom he voted for?—A. Yes, sir.

Q. Your employer had requested you to go up and identify him—this negro?—A. Yes, sir.

Q. Did you have any words with these people that struck you?—A. No, sir; nothing whatever.

Q. Were they drunk or sober?—A. Well, I don't remember anything out of the way. Whether they were drunk or sober, I couldn't swear to anything of that kind.

148 Q. Was it just one of these accidents that would occur in election times?—A. This is the first time ever I voted, ever I cast a vote; and, furthermore, I don't know that I am interested much.

Q. Well, did they say anything to you?—A. The only remark that was made, that a certain young fellow made, was that they could lick me. Says I, "I don't know if you can or not"; and just as I said that I got a lick in the mouth, just here (indicating); and by stepping back I got one in the back of the neck, and then I thought it was about time for me to git.

Q. Did no remarks precede the words "I can lick you"?

WITNESS. From myself?

COUNSEL. From yourself or from anybody before they hit you.

A. No; no remarks whatever.

Q. How old was the man that hit you?—A. I can't answer that question.

Q. Was he a young or a middle-aged man?—A. He was a young man, I suppose.

149 Q. Or a boy?—A. He was not a boy.

Q. Half a block or a block away from the polls you were hurt by a party whom you don't know, who said, "I can lick you," walked up to you and said, "I can lick you," and you responded, "I don't know whether you can or not," and then he hit you in the mouth, and you walked away?—A. Yes, sir.

Q. That was the end of it, wasn't it?—A. Half a block away; not a block.

Q. At this time there was no negro in your company?—A. No, sir.

Q. And that's all there was of it?—A. That's all.

Q. Did you cause the arrest of the man that made the assault upon you?—A. No, sir; as long as I was not disfigured.

Q. Well, if he was not justified by some altercation that had occurred why did you not cause his arrest?—A. Well, the same time there 150 was no officer which I seen, and I thought then the best was to get out before I would have the head knocked off of me; so I just went off and minded my business.

Q. Were you hurt?—A. I got a slight touch in the mouth, and one in the rear of my neck; it didn't disfigure me any.

Q. He didn't hurt you bad?—A. No, sir.

Q. And that's all there was of it?—A. Yes, sir.

Q. Some stranger to you, away from the polls, came up to you and said, "I can lick you"?—A. Yes, sir.

Q. And you said, "I don't know whether you can or not?"—A. Yes, sir.

Q. And then he hit you in the mouth, and on the back of the neck, and that was the end of it; is that the story?—A. There was two parties that struck me, not one alone.

Q. Did you know either of them?—A. I did not.

151 Q. Now, did you do anything to provoke such a remarkably surprising situation; did you do anything to provoke those words, or anything to provoke such conduct?—A. No, sir.

Q. And never sought to have these parties arrested?—A. No, sir.

Q. And never thought of it any more?—A. No, sir.

Q. And you don't know whether these men were drunk or sober?—A. No, sir.

Q. You don't know who they were?—A. No, sir.

Q. You never took the trouble to find out?—A. No, sir.

Q. And you don't know whether they were Republicans or Democrats?—A. No, sir.

Q. And you took that lick in the mouth and walked off?—A. I did.

Q. And you were a Democrat yourself?—A. Yes, sir.

By Mr. POLLARD:

152 Q. The only ground that these people had for attacking you was not that because you had taken this colored man up there and had him vote?—A. I suppose so.

(Mr. Donovan, counsel for contestee, objects to the gentleman's suppositions, on the ground that he has been unable to give the reason why he was struck, after being fully interrogated on the subject, and he was not with this negro as he walked away from the polls.)

By Mr. POLLARD:

Q. As a matter of fact you failed to have these men arrested because you didn't want to create any more trouble, wasn't that it?—A. Yes, sir; that's it, sir.

Signature waived.

153 LOUIS SCHELLHAMMER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination, by Mr. POLLARD:

Question. What is your full name?—Answer. Louis Schellhammer.

Q. Where do you reside?—A. 1520 Broadway, sir.

Q. What is your business?—A. Keeping a saloon.

Q. How long have you lived in this city, Mr. Schellhammer?—A. Twenty odd years.

Q. Are you pretty familiar with the people in that section of the city?—A. I am, sir.

Q. What was your business on last election day?—A. Supervisor.

Q. Appointed by the United States court?—A. Yes, sir.

Q. Were you present at poll 39 during the whole of that day?—A. I was, sir.

154 Q. From morning till night?—A. I was, sir.

Q. What, Mr. Schellhammer, intimidation, if any, did you see enacted by Democrats then and there to prevent the colored people and Republicans from voting?—A. Well, I seen colored men come up there, and they wouldn't let them vote.

(Mr. Donovan, counsel for contestee, objects to the attorney determining what is or is not intimidation, and asking questions which assume a fact that has not been sufficiently proved to have existed.)

By Mr. POLLARD:

Q. What did they do to prevent this vote?—A. Challenged their votes.

Q. What else did they say? How did they act?—A. They told them they wasn't long enough in the city; that they come from the South last April; saw them coming there with their carpet-sack in hand.

155 Q. State whether or not there were any threats used.—A. Sir! (Question read by the notary.)

A. Well, no; no, I didn't see any fighting going on.

Q. I say threats!—A. Well, they told them they was going to send them up if they voted.

Q. What do you mean by that?—A. I guess to send them to the penitentiary, or put them in the station-house.

Q. State whether they were mild in their manner, or whether they were rough or profane.—A. Sometimes they talked pretty rough.

Q. Now state whether or not by those means any colored men were prevented from voting there.

(Mr. Donovan, counsel for contestee, objects to this question, because it calls for the opinion of the witness as to the state of trepidation that the voter might be in at that time.)

156 A. Yes, sir; some of them did.

Q. About how many, in your judgment?

By Mr. DONOVAN:

Q. You mean to say that some colored men were refused the privilege of voting?

Mr. POLLARD. You needn't answer that question, and we object to its being put down.

(To the witness.) I will ask you this question: Whether there was not a large number of colored people prevented from voting and compelled to leave the polls because of fear of the Democrats then and there assembled?—A. Yes, sir.

Q. How many, in your judgment?—A. I couldn't say exactly, maybe thirty or forty; I don't know exactly how many they was round there, some of them come three or four times; but I couldn't swear how many there were.

157 Q. State whether or not those colored men, to your knowledge, who came there and were refused, were properly registered, and whose names were on the poll-books.

(Mr. Donovan, counsel for contestee, objects to the question, because the poll-books themselves are the best evidence.)

A. Yes, sir.

By Mr. POLLARD:

Q. State whether or not there were any broils or fights that day, at or near those polls to your knowledge.—A. Not in the front of it, only close by a gentleman got knocked down, or got hit. I saw the crowd running towards the south, and I staid there, and afterwards I heard that a young man who keeps some kind of a store, or is a storekeeper, that he had got a colored man identified at the polls—that is, he went there, and identified the colored man, that he had been there in 158 the city a whole year.

Q. And your business that day was where?—A. My business was inside of the place.

Q. You remember this colored man Windom, who testified here, then?—A. Yes, sir.

Q. Are you the man who told him he had better try and be identified so that he could vote?—A. Yes, sir; I am the man.

Q. He thought you was a judge?—A. No, sir.

Q. Isn't this a fact, that all the judges of election at that poll were Democrats?—A. I can't swear to that, because I only know one man there, there is one young man there who is a Democrat, he is a clerk and Democrat; I think he is in the school board. And then there was a man there by the name of McGinniss, I don't know what his politics are, and 159 there is another young man named Linsley, I couldn't remember what his first name is; but his father told me about a year ago that his son was a Democrat.

Q. How many judges were there there that day?—A. Three.

Q. Only those three men?—A. Yes, sir.

Q. State whether or not there was any Republican judge there to your knowledge—A. No, sir.

Q. State whether or not you are familiar with the leading Republicans in that precinct.—A. I am, sir.

Q. State whether or not any of these colored voters who offered their votes, and whose votes were received by you—state whether or not such votes taken by you were turned over to the chief supervisor, Mr. Allen.—A. Yes, sir.

160 Q. How many?—A. One.

Q. Only one?—A. Yes, sir; I told some of them in the morning that if they wouldn't allow them to vote, and they were registered, they should hand their votes in to me, and some of them come back and tried to get their votes in the ballot-box, tried to get somebody to identify them, but finally they didn't come back.

Q. Whose vote was that that you took up, if you remember; was it William Donan?

(Mr. Donovan, counsel for contestee, objects to the question, on the ground that it was leading.)

A. Some man like that.

By Mr. POLLARD:

Q. State whether or not that was the vote of the voter who was brought up by this man who has just testified, and who was hit in that melee.

(Mr. Donovan, counsel for contestee, objects to the question, 161 because the witness has stated that he didn't know whether it was William Donan or not; the name is put into the mouth of the witness, and he answers that he is not certain that that was even the name of the man who offered to vote.)

WITNESS. I know I got one vote.

Mr. DONOVAN. You don't know what his name was?

A. I could not state positively; no, sir, I could not swear to the name.

Cross-examination, by Mr. DONOVAN, counsel for contestee:

Q. Do you mean to say, Mr. Schellhammer, that thirty or forty people were intimidated from voting at that poll?—A. I said something like that; may be more or less, I couldn't say.

Q. Do you mean to say that anybody was intimidated from 162 voting?—A. Certain.

Q. At your poll?—A. Yes, sir.

Q. Now, I would like to know what you mean by intimidation?—A. Well, I mean if you go to work and arrest a man, or have him arrested, I think that's enough for any man.

Q. Were these thirty or forty men arrested?—A. Not all; only one.

Q. Out of the thirty or forty men that were present there, only one was arrested?—A. Some of them was, some not.

Q. How many men were present?—A. I don't know; I couldn't tell you.

Q. Do you think five were present?—A. I think so.

Q. Do you know that the thirty or forty had any knowledge of the arrest of some party on that day, at that poll for some cause?—A. It seemed to me like they had; when they found it out they didn't come around any more after that.

163 Q. You think that they, after having received information of the fact that one voter was arrested at that poll for some cause by a United States marshal or officer, that that constituted intimidation to thirty or forty men who were not present at the time?

(Mr. Pollard, counsel for contestant, objects to the question as totally, and wholly unintelligible; and further objects, because it assumes that it has been proven that the man who made the arrest was a United States officer.)

A. Well, really, I don't know; I think though, that they got told by some of the parties, and afterwards didn't come up; it seems to me like all got scared or something, and afterwards I didn't see any more negroes come around and try to vote, not to my knowledge.

By Mr. DONOVAN:

164 Q. Then, in your judgment, it is intimidation to voters to learn that one arrest on election day is made at a certain poll?—A. I believe that white people would not be scared, but it seems to me like the negro was.

Q. So, in your judgment the arrest of one man by a United States officer at the poll late in the afternoon for the reason that he had three times been denied the right to vote, and was disturbing the judges in the performance of their official duties, intimidated others from attempting to cast their vote?

(Mr. Pollard, counsel for contestant, objects to the question as being a hypothetical question based on matters which have not been proven, but the contrary of which has been fully established.)

A. I don't understand that right.

Mr. DONOVAN [to the notary]. Read the question again Mr. Notary.
(Question read by the notary.)

By Mr. DONOVAN:

165 Q. Is that what you mean by intimidation?—A. Well, I don't know; this man was not disturbing anything there any more than any white people; I don't know what you mean by disturbing, he didn't disturb nobody, he just tried to vote.

Q. Tried to vote many times?—A. No; he only tried to vote once. He was there three or four times; yes.

Q. And the man of whom you speak has sworn upon that stand that he tried to vote three or four times; that he placed himself in the line of voters three or four times before this action was taken by the United States officer.

(Mr. Pollard, counsel for contestant, objects to the question as an argument addressed to the witness, and not a question at all.)

A. Three or four times he was around there.

By Mr. DONOVAN:

Q. Yes, offering his ballot each time?—A. Yes, sir.

166 (Mr. Pollard, counsel for contestant, objects to the menacing and threatening manner in which these questions are being propounded to the witness.)

By Mr. DONOVAN:

Q. Am I menacing or threatening you in any way whatsoever?—A. No, sir; not me.

Q. Is not my manner as respectful as I know how to make it?—A. Certain, only you talk so loud. I will tell you all that happened there, but you see I am a German and I am not very well acquainted with the high language of this country?

Q. But I am not menacing or threatening you in any way, but am trying to elicit the truth; isn't that the fact?—A. Yes, I think so; I suppose you want to get the truth.

Q. Then the inference of the counsel for contestant in placing 167 his objection on that ground is uncalled for?—A. What's that?

(Question read by the notary.)

A. I think so.

Q. Now we will go back to the examination again. Do you know how many negro votes were actually cast at that particular poll of which you were supervisor on that day?—A. I guess about three or four; something like that.

Q. Do you know how many negroes offered to vote on that day at that poll?—A. I couldn't say exactly how many.

Q. Do you know about how many?—A. Well, may be there was thirty, may be more or less, I don't know; they was there from the morning and then in the afternoon they came twice and three times; there was niggers there all the time.

Q. But you think there was about thirty that offered to vote there during the entire day?—A. Yes, sir; that's my opinion; I couldn't 168 swear to no correct statement about that.

Q. How many white voters were challenged on that day at that poll?

WITNESS. White ones?

COUNSEL. Yes.

A. Not that I know of over three. Now, I don't believe they all voted.

Q. Republicans and Democrats?—A. Yes, sir.

Q. When the challenge of a voter was made the grounds of the challenge were given?—A. Yes, sir.

Q. And the judges then considered the matter?—A. Yes, sir.

Q. And passed upon it?—A. No, not all the time.

Q. Well, they gave their decisions?—A. Not all the time; generally told them to come back.

Q. That is, where there was some question about the right of the party to vote?—A. They only did that once what I remember. They was speaking if the nigger should vote or not.

169 Q. And these colored men frequently did come back?—A. Yes, sir.

Q. And the testimony that they gave there was not regarded as sufficient by the judges?—A. They wanted them to bring white people each one of them what was in the office. Some of them come back and brought a nigger and had the nigger sworn, but finally they said "This won't do; bring a white man, some one that we know, or that some one knows here in this office."

Q. Some of these parties who offered to vote were challenged on the

ground that they didn't live in the city a sufficient length of time to justify them in receiving their ballots; that they had not resided long enough in the city. Those were some of the reasons that were given to these people!—A. Yes, sir.

Q. And the judges wanted to be satisfied of the fact that they 170 did live here the time required by law?—A. Yes, sir.

Q. Now, you say you don't know the politics of these judges that acted in this manner?—A. Only knewed one, sir; sure of one; the others I couldn't say.

Q. You then informed these men that they might place their ballots with you?—A. Several of them did; yes, sir; in the morning I did.

Q. You were acting as supervisor and would receive them and return them to the chief supervisor?—A. Yes, sir; those men whose names were down on the poll-books. I told them to hand their votes to me until somebody could act in the office.

Q. You stated to them that you were a United States officer, and for that reason you were authorized to receive such ballots and report them for further action.—A. Yes, sir; I think it was my duty to do so.

171 Q. Of all the crowd that thus applied, but one saw fit to comply with your invitation?—A. Only one.

Q. You are a Republican?—A. I am, sir.

Q. You are anxious for the success of the Republican ticket?—A. Not at all, sir.

Q. You were desirous that the Republican party should succeed?—A. To tell the truth I would go to work and pick out sometimes the best men, which I would like the best; I didn't intend that I would vote the straight ticket; I vote for the best men; politics don't bother very much my head.

Q. But you were anxious to see that the Republican Congressman was elected in that district?—A. Not anxious at all, only that he was a friend of mine and I would like to see him elected; I know him for twenty-odd years, I believe he was a gentleman from top to toe.

Q. You were anxious to secure all the votes you could for 172 him?—A. No, sir; not anxious at all, no, sir.

Q. But it would have pleased you very much?—A. Certainly. I would say like you if I have got a friend and he is elected why I would like to see him elected. Yes, I would like to see him go into the office, like you would or anybody else.

Q. You took pains that the voters, whose ballots were not permitted to be cast, to inform them that if they desired to have a record of their ballots for future investigation they might place them with you?—A. That is only to several of them in the morning; some of them commenced to enter in the office, and told me I had no right to do so.

Q. You did so, notwithstanding?—A. Not afterwards.

Q. With the majority of these people whom you say were registered and refused to vote?—A. Most of the niggers only came back 173 into the office. Only a half a dozen came into the office and they were sworn in, and they told them to go back again and get white people; at the same time I never spoke to them.

Q. And none of these negroes brought back evidence sufficient to justify the judges in receiving their ballots?—A. There was one, sir; there was a white man and young man.

Q. He argued the case with the judges?—A. He swore him in, and swore the nigger in; and this white man testified that he knows the nigger for one year in the city, and then they took his vote.

Q. They took his vote?—A. Yes, sir.

Q. Well, did anything of that kind happen to anybody that was denied the privilege of voting?—A. Some of them brought colored men there; I don't know them, but was well known to some of them; some of them who swore that they was a year in the city.

Q. But with the judges it was really a matter of bringing
174 proper testimony before them as to the qualifications of the voter?

(Mr. Pollard, counsel for contestant, objects to the question as being a repetition, for at least the sixth time, of a question previously put, the obvious purpose of which seems to be the consumption of time.)

Mr. DONOVAN. In response to this objection, I will state that on the part of the contestee in this cause that there is not now, and never has been, any purpose on his part to consume time, but to conform himself to all the desires and wishes, in every respect, of the contestant, and between any hours early in the morning and late at night in taking of this testimony on behalf of contestant.

Q. Do you know whether any of the judges were Republicans or not? They may have been Republicans.—A. May be there was one amongst them. I told you before there was a young man there. I don't know.

May be he is a Republican, for all I know. I know he was not
175 any clerk for the Republican party; he was not appointed by the Republican party. There was not a Republican clerk there, and there was none of them judges there; two of them was appointed, but the other didn't come around at all.

Q. Who were the judges and clerks appointed by?—A. I believe one man was a little—

Q. No, I ask you who the judges and clerks were appointed by; was it not by the mayor of the city of Saint Louis?—A. Yes, sir; but they didn't go there. I said the Republican judges was not there.

Q. You say the Republican judges were not there?—A. No, sir.

Q. You don't know but what the people that did serve were Republicans; you understood that one of them was a Democrat?—A. I believe they was all Democrats, for all I know.

Q. You don't know their politics?—A. I say, I only know one
176 man's politics. I told you that twice before.

Q. Were they noisy in the office?—A. No, sir; not at all.

Q. Did not the negroes have the privilege of coming into the office there and consulting with them in regard to votes challenged?—A. Yes, sir.

Q. And did do so?—A. Yes, sir.

Q. And therefore in that respect they didn't show any partiality. That is a fact, isn't it?—A. They talked with them, of course; they didn't let them vote though.

Q. They permitted these people to come into the office and talk to them as to whether or not such and such vote should be received, and treated them properly when they did come in?—A. They would talk to them.

Q. And talked to them in a polite manner?—A. Yes, sir.

Q. Now, was there any quarrel immediately in front of that poll?—

A. Sometimes there was a little pushing going on.

177 Q. Nothing different from any ordinary election?—A. There was generally a big crowd around there.

Q. The trouble of which you spoke is the same that has been detailed by a previous witness on the stand?—A. That may be; I didn't hear it.

Q. I thought you were present in the room when the previous witness testified.—A. No, sir.

Q. He stated that somebody met him on the street, that he was a Democrat, and that this party who met him hit him in the mouth, and that that was done a half a block away from the poll.—A. That's what I heard; I saw the crowd rushing up there.

Q. And that is the trouble that you speak of?—A. That was one trouble.

Q. Do you know of any other?—A. Not fighting; only a little pushing there.

Q. Crowding around the polls?—A. Yes, sir; crowding negroes 178 away from there.

Q. As is usual at election times where people are anxious to put their vote in and go away?—A. I saw a good many that was white people that was there too.

Q. Do you know of any other trouble than this that I have referred you to?—A. No, sir; not fighting; only talking.

Q. And the usual talk at an election poll?—A. Yes, sir; sometimes a little high talking.

Q. You were a duly appointed supervisor at that poll?—A. Yes, sir.

Q. And it was your duty to supervise the action of those judges in regard to the reception of the Congressional vote?—A. I don't know; I would have to look over it; see that the vote would be counted right; that was my duty; that's what I was there for.

Q. And if you were to supervise anything, you were to supervise 179 their action in regard to the Congressional vote?—A. That's all.

Q. And you did that?—A. I did that—to look over the counting and see that every ballot was put in the box.

Q. And performed your duty to the best of your ability?—A. Yes, sir.

Q. In what respect as to the number of votes cast does your report to the chief supervisor differ from that made by the judges of election?—A. None.

By Mr. POLLARD:

Q. Mr. Schellhammer, isn't it a fact that there was a great deal of shouting and cursing by the Democrats outside which did have a tendency, and in fact did frighten away a great many negroes from the polls?

(Mr. Donovan, counsel for contestee, objects to the question as leading, and as attempting to place in the witness's mouth a statement which he wishes the witness to make.)

180 A. May be they was scared away; I don't know; I think may be some of them did.

Q. Was the name of this voter whose vote you received returned to the chief supervisor—the name of William Donan?

(Mr. Donovan, counsel for contestee, objects to that question on the ground that the witness stated that he did not know the name of the man whose vote he received, and it is now attempted by the counsel for the contestant to place the name in the witness's mouth.)

A. I think that was the name; yes, sir.

By Mr. DONOVAN:

Q. Do you know whether or not it was?—A. I think it was the name; yes, sir.

Q. Are you guessing at it?—A. Yes, sir; I am guessing at it, but I think that's the name.

Q. You are not certain?—A. No, sir; I couldn't say, exactly; I think that's the name; I had it down in the book.

181 Q. You don't bear it in mind?—A. I had it in my book.

Q. And you haven't borne it in mind?—A. I think that was the name, or a name very much like that.

(Signature waived.)

182 STEWART MACK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. Stewart Mack.

Q. Where do you reside?—A. Where I live?

Q. Yes, sir.—A. I live at 1600 North Main—Main and Mullanphy.

Q. Corner of Main and Mullanphy?—A. Yes, sir.

Q. How old are you?—A. Going on twenty-seven years of age.

Q. How long have you been living in Saint Louis?—A. I came here September before last.

Q. September a year ago?—A. No, sir. Yes, sir; September before last.

Q. Where were you born?—A. I was born down South, in Louisiana, Concordia Parish.

Q. Have you ever lived anywhere except in Louisiana and in this State?—A. Yes; I have been in New Orleans.

183 Q. But that place is in Louisiana.—A. Yes, sir.

Q. Have you ever lived in any other State except in Louisiana and Missouri?—A. No, sir.

Q. Were you registered to vote; did you register last fall—go up to the city hall and register?—A. Yes, sir.

Q. Did they give you a ticket for your registration?—A. No, sir.

Q. Where were you residing then?—A. I was living on Main and Mullanphy.

Q. The same place where you are now?—A. Yes, sir.

Q. How long had you been living there?—A. I had been living there ever since March, I believe; I mean a year ago now.

Q. Did you go to the polls to vote on that day?—A. Yes, sir; I went there.

Q. Did you offer to vote?—A. No, sir; they was raising a

184 squabble there about it in the department, and I never went up; I seed them taking up men there, and a white man told me, "It aint worth while for you to vote, for anybody that lives in that building." If anybody living in that building should try to vote we will be arrested.

Q. The result was that you took alarm and left, was it?—A. Yes, sir.

Q. And didn't vote?—A. No, sir.

By Mr. DONOVAN:

Q. And didn't offer to vote?—A. No, sir.

By Mr. POLLARD:

Q. Who were you going to vote for that day, Mr. Frost or Mr. Sessinghaus?—A. Sessinghaus.

(Mr. Donovan, counsel for contestee, objects on the ground that it has not been proven that this witness was a properly qualified voter, or that he had offered to vote.)

Q. You are a colored man?—A. Yes, sir.

185 Q. Then, if I understand you right, you say the reason you did not vote was that these people there frightened you away by threats of being sent to the penitentiary or calaboose?—A. Yes, sir; that's it.

(Mr. Donovan, counsel for contestee, objects to the question for the reason that the witness has not stated anything of that kind, but that the counsel for contestant is placing these words in the mouth of the witness, and expects him to say yes.)

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Who threatened you?—A. I don't know none of them people there; I was living on Washington avenue, and I went there; I was alone there sick all last year; I was just got up awhile, sir; I thought I would walk around there.

186 Q. Can you give the name of anybody that threatened you?—

A. No, sir; I don't know any of the people.

Q. What was said to you by anybody, if anything was said?—A. One gentleman spoke to me, he had a kind of a gray beard down here, and he told me that they shouldn't anybody vote in that building.

Q. Did he give you any reason why?—A. He said that nobody in that building should vote, because they hadn't been there long enough; I told him I had just moved down there, but had lived up on Washington avenue a good while; I was down there among the colored people in that colored church, and I went down there because I thought I could get a room down there cheap.

Q. When did you go down there?—A. I told you I went down there in March.

Q. March of 1880?—A. I don't know what time it was.

Q. What year was it?—A. I am not a reading man.

187 Q. Was it March of 1880 or 1881; which was it?—A. March, 1880.

By Mr. POLLARD:

Q. Was it the year in which the election took place?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to counsel for contestant interfering.)

A. I am no conversation man, I don't read at all, gentlemen; it was March before the election.

By Mr. DONOVAN:

Q. Did you place yourself in the line of voters that were present at the polls?—A. No, sir; I went up to the polls, up to the line where I was at; but when the men there that was talking there about — shouldn't vote, and the other men began a squabble I went away to — then Mr. Read came to me and told me to come and vote; that the men had come who would take care of us, the city marshal, or something — anyhow, that I could vote now; I told him I had better let

188 alone, I didn't want no sort of bother there, I had rather lose — vote, I had been sick, and I had been entitled to vote, but I did — get up near; I was trying to do it, but when this man began to shout there I just went away; I didn't want to get pulled around there.

Q. Did anybody pull and hurt you—anybody at that poll?—A. No, sir; I told them I couldn't go up to vote.

Q. What are you talking about people pulling for? Were you told to say that?—A. I was not told.

Q. Are you expected to say here that you were pulled and hauled around there?—A. I said I was not told.

Q. Were you pulled and hauled about?—A. No, sir, I wa'n't; I told you that I wa'n't told to say that.

Q. Well, then, I understand you; you did not place yourself in the line of voters and go to the window and offer to cast a vote?—
189 A. No, sir; I didn't go to offer to cast my vote.

Q. And nobody at the window then challenged your vote?—
A. No, sir.

Q. And no inquiry was made by the judges as to whether you could vote or not, nor was anything said by them to you?—A. If they did, I don't know anything about it.

Q. Did you have any conversation with the judges at all?—A. No, I had some talk with one or two men.

Q. On the outside?—A. Yes, sir. I don't know the judges.

Q. Nor the officers of the polls?—A. I don't know them, who they was. I don't know the officers or anybody else there, or anybody there.

Q. Well, you thought you wouldn't bother yourself about trying to vote at that time—at that election?—A. If I had been well, and was able to walk about as you can, I would have forced myself in there.

190 Q. That is, you would have taken your place in line?—A. Yes, sir.

Q. And gone to the window?—A. Yes, sir; I wa'n't well, and I didn't bother much at it.

Q. And so you just didn't take the trouble to vote?—A. No, sir; I didn't take the trouble; I wa'n't up there long, and didn't vote then.

Q. And didn't try to?—A. No, sir.

Q. Who invited you to come here?

WITNESS. Me?

COUNSEL. Yes.

A. Well, they brought a writing at me—Smith did—on Wednesday night, that I must appear here before this man; those who was entitled to a vote.

Q. Who you thought were entitled to vote?—A. Who was entitled to vote, as he said.

Q. In their own opinion?—A. Yes, sir. I don't know whether in their opinion or whose opinion, but they was entitled to vote; he summoned them, sir.

Signature waived.

191 THOMAS KNAPPER produced, sworn, and examined on the part of the contestant, deposeth and saith:

NOTE.—This witness was withdrawn for the time being, after being sworn by the notary.

192 WALTER HARRIS produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name, Harris?—Answer. Walter Harris, sir.

Q. Where do you reside?—A. Live on North Main—1600 Main and Mullanphy.

Q. How long have you lived there?—A. I have been there about seven months—seven months at least when I voted.

Q. Seven months before the day of election?—A. Yes, sir.

Q. You are a colored man, Harris?—A. Yes, sir.

Q. Where were you born, Mr. Harris?—A. In Alabama.

Q. How long have you lived in Saint Louis?—A. I have been living in Saint Louis now going on two years.

Q. When did you come to Saint Louis?—A. I couldn't say 193 exactly the date when I come here.

Q. Had you been here more than a year before the day of election?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to that question on the ground that it is most positively leading the witness.)

Q. Have you ever lived in any other State except Alabama and Missouri?—A. Yes, sir; in Louisiana.

Q. Have you ever lived out of the United States?—A. No, sir; not further than Louisiana.

Q. How old are you?—A. About twenty-five (25).

Q. Were you registered on last election day?—A. Yes, sir.

Q. About how long before the election did you register?—A. Well, I didn't take any account of the time.

Q. Some time in the fall, was it?—A. Yes, sir.

194 (Mr. Donovan, counsel for contestee, objects to leading questions being propounded to these witnesses.)

Q. Where did you live at the time you were registered?—A. 1600 North Main.

Q. The same place?—A. Yes, sir.

Q. Did you get a ticket when you registered?—A. Yes, sir.

Q. Did that ticket tell you what precinct you should vote in?

(Mr. Donovan, counsel for contestee, objects to the question because the ticket is the best evidence.)

Q. Did that ticket tell you what precinct you should vote at?—A. Yes, sir; the 39th precinct.

Q. State whether or not you went to the polls on election day to vote?—A. Yes, sir; I was there.

Q. State whether you are a Republican or a Democrat.—A. Republican, sir.

195 Q. Well, state did you vote on election day?—A. I did not.

Q. State whether or not you tried to vote on election day?—A. I did sir; I did try.

Q. Who did you try to vote for, Mr. Sessinghaus or Mr. Frost.—A. Mr. Sessinghaus.

Q. Go on, did the judges receive your vote? State whether you did vote on election day.—A. I went up there to try to vote and there was some gentlemen around that challenged my vote and I couldn't vote.

Q. On what ground did they challenge it; what did they say?—A. They said I hadn't been here long enough; they wouldn't let me vote; and so I just couldn't vote.

Q. State whether or not there was any threats made there of any kind in your hearing?—A. No, sir.

196 Q. What did they say they would do to or with you if you did vote?—A. They didn't say they would do anything with me, just wouldn't let me vote.

Q. How long did you stay at the polls that day?—A. I staid there, I guess, two or three hours around the polls.

Q. State whether you heard while you were there any threats to any colored men that they shouldn't vote.—A. Only that they drove us like pigs.

Q. What did they do ?—A. They didn't do nothing, they talked and pranced and cavorted around; they didn't hit me or anything like that.

Q. State whether or not your name was on the poll book there at the polling place.

(Mr. Donovan, counsel for contestee, objects to the question because the poll book itself is the best evidence.)

A. I disremember now whether they told me that they had my name or not.

By Mr. POLLARD :

197 Q. State whether they objected to your voting; whether any objection to your voting was based on the fact that your name was not in the poll book; did they say anything about your name not being in the poll book ?—A. No, sir; I didn't hear that they said anything about that.

198 Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. Did you have a ticket in your hand ?—A. Yes, sir.

Q. Who gave you that ticket, Mr. Harris ?

WITNESS. Who gave it to me ? I got it myself.

Q. Who did you get it from ?—A. I got it off a board they had there with them on.

Q. Can you read, Mr. Harris ?—A. No, sir; not much.

Q. Do you know what names were on your ticket ?—A. I couldn't remember; I couldn't read enough to make out who the names was.

Q. You don't know whether the name of Mr. Sessinghaus or Mr. Frost was on it ?—A. Yes; I know.

Q. Somebody told you that ?—A. No, sir.

199 Q. How did you know that Mr. Sessinghaus's name was on that ticket ?—A. I know Mr. Sessinghaus; I could read his name.

Q. You then can read ?—A. Yes, sir; a little, not much.

Q. Could you read the name of any other man on the ticket ?—A. No, sir; I didn't read any other name; I looked at that particularly.

Q. Your friend informed you that Mr. Sessinghaus's name was there on the ticket printed ?

WITNESS. My friend ?

COUNSEL. I say your friend informed you that the name of Mr. Sessinghaus was on the ticket which you held in your hand ?—A. No, sir; I found it on the ticket.

Q. How was the ticket headed at the top ?

WITNESS. How was the ticket headed ? Well, if my memory serves me, Mr. Sessinghaus.

Q. On the top of your ticket was Mr. Sessinghaus's name ?—A. I think that was the way it was.

200 Q. It was a long ticket ?—A. Yes, sir.

Q. There were many names on it ?—A. Yes, sir.

Q. And the name appearing on the top of your ticket was Mr. Sessinghaus ?—A. Yes, sir; if my rememberry serves me right.

Q. How long were you at the polls on that day ?

WITNESS. Me ?

COUNSEL. Yes, sir.

A. Well, I was there at the polls off and on that day until about four o'clock.

Q. Were you a canvasser like these other gentlemen ?—A. Yes, sir.

Q. And employed in the interests of the Republican party ?—A. Yes, sir.

Q. And you attended to your duties in that regard as best you knew how?—A. Yes, sir.

By Mr. POLLARD:

Q. Do you know what a canvasser means?—A. Yes, sir.

201 Q. What does it mean?—A. It is going round with tickets.

By Mr. DONOVAN:

Q. And you were paid for your work?—A. Yes, sir; I got paid.

Q. Who paid you?

WITNESS. Who paid me?

COUNSEL. Yes.

A. Thomas Knapper paid me.

Q. The gentleman that was just recalled?—A. Yes, sir.

Q. What were you paid to do?—A. What was I paid to do? For canvassing on that day.

Q. After the judges informed you that in their judgment you were not a legal voter at that poll, you made no further effort to cast a ballot?—A. No, sir.

Q. But remained at the poll all day working in the interests of the Republican party?—A. Yes, sir; just remained there.

Q. When did you move to 1600 North Main?—A. First of April?

202 Q. Of last year?—A. Yes, sir.

Q. How long prior to the first of April did you come to the State—before the first of April did you come to the State?—A. Well, I don't know exactly what date I was here—that I came to the State.

Q. You can't tell then how long before the first of April that you came to the State of Missouri; you can't tell how long before the first of April, 1880, you resided in the State of Missouri?—A. No, sir; I don't know exactly.

Q. When were you subpoenaed in this cause?—A. Monday.

Q. Who subpoenaed you?—A. Mr. Smith.

Q. When did you come here to-day—at what hour?—A. Well, I got here about half past eight, I think.

Q. Did you come into this office, or into the adjoining office?—A. I come right in here, sir.

203 Q. Since that have you gone into the adjoining office?—A. I went into the next room there and sat down.

Q. How many people were present with you in the other room?

(Mr. Pollard, counsel for contestant, objects to the question.)

A. All that crowd there was with me, all those gentlemen.

By Mr. DONOVAN:

Q. How many people were present?—A. I don't know.

(Mr. Pollard, counsel for contestant, objects to pursuing this kind of an examination, since it is the evident purpose of the counsel for contestee to consume time.)

Mr. DONOVAN. My remark is that the objection is not well taken, because I have a point to make.

(To the witness.) About how many people were present in this adjoining room?

A. Well, I didn't count the gentlemen.

Q. About how many?—A. Well, about ten, I suppose; I didn't count them; that's a rough guess.

204 Q. In whose charge is that room?—A. I don't know in whose charge it is in.

Q. Is it rented for the purpose of a reception-room for colored witnesses in this cause?—A. I don't know, sir.

Q. Who seems to be in charge of it?

WITNESS. Who seems to be?

COUNSEL. Yes, sir.

A. I don't know who is in charge of it. I was subpoenaed here in this case.

Q. Who seems to be in charge of the room in which these colored witnesses are assembled?

Mr. POLLARD. He has answered the question once.

A. I don't know who has charge, unless Mr. Metcalfe.

By Mr. DONOVAN:

Q. Have you got a leader in there?—A. Mr. Smith is my leader; he has requested us to take seats in there.

Q. Does Mr. Smith give instructions to those assembled there as to what testimony is expected of them when they appear in this 205 room?—A. Yes, sir.

Q. The witnesses then are first properly drilled in regard to the testimony that is expected of them here?—A. Yes, sir; of course.

Q. Is this room known as the lecture-room or the drill-room?—A. Well, it is a lecture-room, aint it?

Q. And in that room the party in charge gives his instructions to witnesses?

WITNESS. Will you allow me to ask you a question, sir?

COUNSEL. Certainly, sir; go on.

WITNESS. I am not no educated man, and I want to understand you; I don't understand that language; I am not no educated man.

Q. Well, what information do you desire from me; because it will be cheerfully accorded?

WITNESS. What do I desire?

COUNSEL. What information do you desire to receive from me in regard to any question which I put to you? Because I promise you it will be cheerfully accorded.

206 (Mr. Pollard, counsel for contestant, objects because the line of investigation now pursued is not only extremely frivolous, but wasting time purposely.)

By Mr. DONOVAN:

Q. Who is it that drills the witnesses in the other room?—A. Mr. Smith.

Mr. POLLARD. Do you know what the word drill means?

By Mr. DONOVAN:

Q. He talks to you about what testimony you are to give when you come into this room?

WITNESS. Is that what you mean? No, sir; no one.

Q. Doesn't Mr. Smith do that?—A. O, no, sir.

Q. Does Mr. Smith have nothing to do with it?—A. No, sir; not anything.

Q. Just walks in and walks out without saying anything?—A. Yes, sir.

Q. He is in charge of the room?—A. Of course he is in there.

207 Q. He speaks to none of the witnesses?—A. No, sir; not in no cases like that; nothing like that.

Q. Does not speak to them about the testimony they are expected to give in this room?—A. No, sir.

Q. Does not speak to you about what may be expected of you?—
A. No, sir.

Q. Does not say anything to them at all in regard to the testimony?—
A. No, sir.

Q. And yet he is in charge of the witnesses?

WITNESS. You asked me just now whether he was in charge, didn't you?

COUNSEL. Yes sir.—A. Well, I spoke to you like this, according to my ideas. He told me to take a seat in there; that is my reason for saying that he was the leader.

Q. But he is your leader?—A. Yes, sir.

Q. He does speak to you about the testimony in this cause,
208 and has spoken to you about the testimony in this cause?—A.
No, sir; not about this cause; only to take a seat in there.

Q. Did you have any conversation with Mr. Smith about the testimony that you were to give in this cause?—A. No, sir.

Q. None whatsoever?—A. No, sir.

Q. He subpoenaed you?—A. Yes, sir.

Q. You were speaking to him when he did subpoena you?

WITNESS. Was I speaking to him?

COUNSEL. Yes.—A. Yes, sir; of course I listened at it.

Q. What did he say to you?—A. He just read to me the subpoena.

Q. He said nothing more?—A. No more than that; he just read to me.

Q. How long have you been acquainted with Mr. Smith?—A. Well, I was acquainted not so very long.

Q. How long?—A. Well, I have been acquainted with him, as near as I can come at it, for about two months.

209 Q. Where did you make his acquaintance?—A. First down here at the post-office.

Q. Did you speak to him then about your testimony in this cause?—
A. No, sir; never more than just met there and got acquainted.

Q. How did he come to know that you had any information to give in this cause?—A. I don't know, sir; I never talked to him at all.

Q. Did you tell anybody else other than Mr. Smith?—A. No, sir; I hasn't told any one else.

Q. How did anybody come to know that you knew anything about the cause?—A. I didn't know that they know anything about it until they subpoenaed me here.

Q. So Mr. Smith, who is in charge of this adjoining room where the colored men meet, and is what you call a leader, has nothing whatsoever to say to the witnesses in the cause?—A. No, sir.

Q. He says nothing whatsoever?—A. No, sir.

210 (Mr. Pollard, counsel for contestant, objects for the reason that this is now the third repetition of the question.)

By Mr. DONOVAN:

Q. You have been here all morning and all afternoon until this time?—
A. Yes, sir.

Q. And there has been no discussion of the testimony that you were expected to give here?—A. No, sir.

Q. Said nothing about it?—A. No, sir.

Q. Didn't speak about it among yourselves?—A. No, sir.

Signature waived.

211 ALEXANDER BATTEN, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD:

Q. Question. What is your name, sir?—A. Alexander Batten.

Q. Where do you reside?—A. I live down at 1600 North Main.

Q. How long have you lived there, Batfen?—A. I lived there about five months before registration.

Q. How long have you been in Saint Louis?—A. I have been in Saint Louis six months before the registration.

Q. Where were you before you came to Saint Louis?—A. In different parts of Missouri; I have been bred and born in Missouri.

Q. You were born and raised in Missouri?—A. Yes, sir.

Q. Where?—A. In Ray County.

Q. Up near Richmond?—A. Yes, sir.

Q. Who did you live with up there? I used to live up there myself.—A. Do you know the Reeveses up there? Them is the people that I was with.

Q. Did you ever live out of the State of Missouri?—A. Not more than three months at a time.

Q. How old are you?—A. About thirty-four.

Q. You are a colored man?—A. I am, sir.

Q. Were you registered last fall?—A. I did, sir.

Q. Did you get a ticket at the registration office?—A. No, sir.

Q. You registered at this same place?—A. No, sir; I registered from 1606 North Main. The rooms is just as far apart as the rooms here are.

Q. Did you go to the polls on election day?—A. I did, sir.

Q. Did you vote?—A. No, sir; I did not.

Q. Did you offer to vote?—A. I did, sir.

213 Q. Who did you offer to vote for for Congress, Mr. Sessinghaus or Mr. Frost?—A. Mr. Sessinghaus, sir.

Q. Why did you not vote?—A. Because my vote was rejected. They was cussing and damning there so and hollering and making threats. Why it was I don't know. They told me, "God damn you, you can't vote here; you have not been here long enough to vote; there is no colored man going to vote from that building except one, and that is Mr. Smith; don't you come around here any more." I told him I can't help where all the others live, but that I live there long enough to vote.

Q. Did you offer your vote to the judges?—A. Yes, sir; I offered it to him at this little port-hole in the window; the man inside I couldn't see; there was so much excitement outside and just 'round myself; right 'round me there.

Q. What objection did they make to it when you first offered to 214 vote?—A. They said I hadn't been here long enough.

Q. Was your name on the poll book?—A. Yes, sir; they found it all right there.

(Mr. Donovan, counsel for contestee, objects, on the ground that the poll book is the best evidence.)

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do you know the date at which you came to the city of Saint Louis?—A. Came to the city of Saint Louis the 1st of June, sir.

Q. Of last year?—A. Yes, sir; of the last year.

Q. Where were you living prior to that?—A. I have been working

in different parts of Missouri. I lived out here—what is that place's name, now—it is about twenty miles out here in the country.

215 Q. How long have you been living there?—A. Lived there with that gentleman four months. That gentleman had a farm out there.

Q. Where did you live before that?—A. Before that then I had been steamboating. I never stopped not much at any regular place; I been here in Saint Louis longer than any place since I been free.

Q. What is the longest time that you ever staid in the city of Saint Louis during any one of these visits?—A. I guess it was there—since I have been here this last time. I was here six months in the city—at this portion of the city before I went to register.

Q. That is you remained here about six months, you think, prior to your registration?—A. Yes, sir; before registration.

Q. When did you go to live at 1600 North Main street?—A. That were in—I believe it was the first of August, sir, if my 216 memory serves me right.

Q. First of August?—A. Yes, sir.

Q. Since that time have you been traveling on the river?—A. Well, no, sir; I aint been on the river at all since.

Q. Prior to that time you were?—A. Yes, sir; before that time I was.

Q. As a rouster?—A. Yes, sir.

Q. How many rooms are there in that building 1600 North Main? There seems to be so many coming from that quarter.—A. There is eight rooms besides the apartment where they have church, if my memory serves me right.

Q. Is that a boarding-house?—A. No, sir.

Q. Is it a hotel?—A. No, sir, it is not. I will just tell you gentlemen—

Q. Is it a tenement house?—A. It is a house we all live in to the best advantage we can; we are colored people and we aint able 217 to rent rooms separate from one another, and we help to pay rent and make it as light and comfortable in there as we can.

Q. Are there beds in that house?—A. Yes, sir.

Q. How many rooms are there in that house?—A. There is eight bed-rooms, if my memory serves me right.

Q. How many beds are there in the house?—A. Some rooms have two beds and some only one.

Q. How many people live in the house and cellar there?—A. There are six families in 1600.

Q. Can you give the names of those people?—A. Yes, sir; there is Johnny Smith that I live with, and then in the next room is Benjamin Thomas, and then in another room is Mr. George Lena, and then there is Mr. Harris, and Mr. Rollins; there is another gentlemen up stairs there, Charley Foster, and then another man I aint so well acquainted with; he lives up above all of them; his name is 218 Charley, I believe, or something.

Q. Those are the men that reside there now?—A. Yes, sir. Excuse me; and myself.

Q. Those are the six voters residing there now?—A. Yes, sir.

Q. Or alleged voters.

WITNESS. All that is in 1606?

Q. No, I am asking you about 1600?—A. Them is all that lives in there.

Q. How long have they lived there?—A. I found them there when I came there.

Q. And you came there in August, 1880?—A. Yes, sir.

Q. There have been no changes?—A. No, sir.

Q. None made since that time?—A. No, sir; not as I remember.

Q. What are the employments of these men?—A. When there was boats to go out or to unload we worked on the levee, and we tried to put in coal, and anything of that kind.

219 Q. The majority of them, I suppose, were river men?—A. Well, no, sir; not all of them; some of them works in the tobacco factory.

Q. How many of them were not upon the river when they could get employed there?—A. They never has gone to the river since I been there; I can't say; they aint any of them gone on the river since I been there.

Q. Who keeps the house?—A. Well, the room that I stay in Mr. John Smith is the head, because he has a family; of course I consider him the head, and myself as no one, but Mr. Lena he is the head of one room, and Mr. Harris is the head of one room.

Q. Where do you get your meals?—A. I eat with Mr. Smiths.

Q. Is there a cook stove in each room?—A. No, sir; we cook by the fire-places in them two rooms there.

220 Q. How many places to cook are there in the house?—A.

There is two fire-places; like a fire-place here and another one right on the other side there (indicating) one in each room—double rooms.

Q. And the six families that are there cook at these two fire-places?—A. No, sir; each room attends to its own cooking; does its own cooking in its own room.

Q. Is it a society?—A. No, sir.

Q. Have you got a church attached?—A. Yes, sir.

Q. Where do you hold the church?—A. The church is in the front part of the building; there is some families lives up over the church.

Q. Is it a brick building?—A. Yes, sir.

Q. How large is the room that you call the church?—A. Well, it is about, as near as I can guess, about forty feet one way, and twenty or twenty-five the other way.

Q. Who is your minister?—A. Elder Knapper.

221 Q. The witness that was recalled here?—A. Yes, sir.

Q. Prior to last August, what changes were made, or what removals were made, from that building by people inhabiting it?—A. Well, there is one family moved away from there since that time.

Q. Before August?—A. I don't know, sir; I wasn't there; I came down about the first of August.

Q. Who took you to the registration office to register?—A. I went up there with—let me see who it was—I and Mr. Smith; we went in charge with Mr. Knapper; he went there with me; he was the man who showed me where to go.

Q. Did he tell you what he was taking you there for?—A. Yes, sir; to be registered; he asked me the time—he asked me what time—how long had I been here; and I told him; and, well, he asked me 222 where I was bred and born at, and I told him. Then he says, "So far as I know the law, you are entitled to vote; if you want to go there you can go along with me and register."

Q. How many went with you at the same time?—A. There was three of us; myself and John Smith, and, I believe, Cain Rollins.

Q. He was the one that testified this morning?—A. Yes, sir.

Q. Did Mr. Knapper tell you who to vote for?—A. No, sir.

Q. Not at the time?—A. No, sir.

Q. When did you go to the registering office?—A. I disremember the dates, sir, but then it was three or four weeks before the election.

Q. Do you know whether it was three or four weeks before Christmas, or three or four weeks before election?—A. I mean before election; we are all liable to make mistakes.

223 Q. I just simply wanted to know the fact?—A. Yes, sir.

Q. How long did you remain at the polls on election day?—Well, I was there about two hours; hanging around there anyhow.

Q. Were you a canvasser like these other men?—A. No, sir; I just going there to vote.

Q. Did you stand right at the polls or in the vicinity?—A. Well, sir; when I went to try to get in my vote that was the only time I right close there; but then I just stood around again, and couldn't as they was going to allow me any chance to vote, so I just give it as a bad job and came away.

Q. Was there a long line of voters there?—A. Yes; there was good many 'round.

Q. You took your place in the line?—A. No, sir; we didn't go by line so much.

Q. Isn't it the custom at these election polls to form a line 224 voters where each man takes his turn?—A. It was not on the day there; they didn't form any lines. Sometimes there were three or four in a line; that was the highest; and others were standing up there and would like to vote, but didn't get a show; the others would crowd in and try to vote, and they would crowd us niggers out; wouldn't let us vote.

Q. What hour of the day did you go to the polls?—A. I went there it was about five o'clock in the morning.

Q. The poll wasn't open then, was it?—A. No, sir; it was not open.

Q. How long after you arrived at the polls before it was open?—Well, sir; it was about an hour, anyhow.

Q. It doesn't open before sunrise?—A. I think it was about an hour.

Q. Why did you go to the polls so long before its opening?—A. I just went around to try; I just aimed to vote; my reason for that was that I wanted to get in my day's work afterwards.

225 Q. You knew that the poll was not open at five o'clock?—No, sir; I didn't know what time it would open.

Q. Were you the first man that presented himself to vote?—A. sir.

Q. At what hour did you attempt to vote?—A. It must have been between five and six o'clock.

Q. I believe you stated that the poll didn't open till six o'clock?—Yes, sir; I say it must have been open somewhere between five and six o'clock.

By Mr. POLLARD:

Q. In the morning or evening?—A. In the morning, sir.

By Mr. DONOVAN:

Q. Well, are you sure about that since you know that the poll didn't open before six?—A. I heard other people say at that time that it about that time; I didn't have any time-piece myself.

Q. You don't know?—A. No, sir.

226 Q. How long after the poll was open did you attempt to vote?

—A. It was not more than half an hour, nohow; I know that as well as I can judge.

Q. Did any person offer to vote before you?—A. Yes, sir; a heap of people had voted.

Q. You think then that you offered your ballot about half an hour after the poll opened?—A. Yes, sir.

Q. It took you that length of time to reach the window in your turn?—A. No, sir; we was still standing around and talking of one thing and another; that is, about that time, about half an hour after it was opened, we didn't none of us vote; then I went up and offered my vote.

Q. Who did you talk to—with one of the judges?—A. I told you that I didn't talk with nobody; with neither one of them; I went to hand in my ballot to the judge, and these people was cussing 227 about the “G—d d—n negroes ain't got no right to vote here;

I challenge his vote, by God! No G—d d—n nigger from that building there should vote.” That was just it; then they kept on so much that I got tired of it.

Q. Yet you remained there two hours?—A. Yes, sir; I staid there.

Q. And didn't offer to vote again?—A. Yes, sir; I aimed to vote the third time—I aimed to vote the third time, yes, sir.

Q. Did the judges consider the objection that was made to you?—A. Well, I heard them talk something in there, but then they was not talking so much as if they would do anything to me; but I was watching these gentlemen that was on the outside; they was so restless and excited around there until I couldn't tell you what they did say.

Q. How many people spoke to you that used this courteous language to you?—A. Well, there was two that was talking, who was talking 228 to me, just said to me, “Old fellow, by God! if you come here again to offer to vote we will put you up.”

Q. When was that; after you offered to vote the third time?—A. No, sir; the second time.

Q. After the judges had decided once that your ballot was not a proper one?—A. I don't know whether they had ever decided so or not; I didn't hear nothing from them.

Q. They told you that your ballot would not be received?—A. But then I would just go up there and offer my vote, and I think I didn't hear what he said.

Q. Still the conclusion reached was that your ballot was not a proper one to be cast?—A. I don't know, sir, what his reasons was that they didn't take it.

Q. How long were they talking inside about your ballot as to whether they should receive it or not?—A. Well, not so very long, but they told me to go away from there; some of these men that was 229 swearing outside, they did that; when I come there the third time they said, “You had better not come here any more.” And I thought I wouldn't put myself to any danger.

Q. Can you read?—A. No, sir.

Q. Do you know what name was on the ballot that you offered?—A. Well, not no further than what I was told.

Q. Who placed your ballot in your hands?—A. Elder Knapper gave me a ballot.

Q. Did he or did he not give you any instructions, and others as well, to go the first thing in the morning and cast the ballots that he would place in your hands?

(Mr. Pollard, counsel for contestant, objects to the question because

it is immaterial, frivolous, and in continuation of the previous determination on the part of the contestee to squander time.)

A. No, sir; we never did have that kind of conversation.
230 Before the election I went to him and said, "Elder, I want a straight Republican ticket;" so he just handed me one of them tickets.

Q. To how many others did he hand them at the same time?—A. Well, I was the only one that he handed it to right then; I don't know who else he handed them to afterwards.

Q. How many of these tickets did he have?—A. He had a handful of them.

Q. Did he inform you that you would receive a compensation for voting that ticket?—A. I don't understand that.

Q. Did he inform you that you would receive money or reward for casting the ballot that was placed in your hands?—A. No, sir.

Q. Had you ever voted before?—A. No, sir; not here. I never bothered my head for voting, and never did before.

Q. Do you know Mr. Sessinghaus?—A. Well, I have seen him 231 sir, in the time when he was going around making speeches.

Q. Did you go to the polls with Mr. Knapper?—A. No, sir; when I went there I found him there.

Q. At 5 o'clock in the morning?—A. Yes, sir.

Q. How many colored men were there at that time?—A. I don't know, sir; there was some nine or ten, as near as I can judge.

Q. Were the majority of them from this building, 1600 North Main?—A. No, sir; I believe there were two. There was a good many from there, but they hadn't left the building to come up there when I got there.

Q. But Mr. Knapper was prompting the casting of these ballots?—A. He was handing out them tickets; yes, sir.

Q. And giving you instructions about going to the polls?—A. No, sir; he didn't give me no instructions about going to the polls.

232 Q. You didn't have any talk about that?—A. No, sir.

Q. He didn't tell you where the polls were?—A. No, sir; I just followed and went up on Broadway. They told me it was down that way, and I inquired from a white gentleman, and he told me the polls was down that way, the thirty-ninth (39th) precinct.

Q. You say you didn't know the name of the man that used profane language on that occasion?—A. Well, I believe one of them was a man by the name of Cahill, or some such name as that; he is a good-looking, spare-made man, with a red moustache and a little goatee here.

Q. A small man?—A. Yes, sir.

Q. He didn't strike you?—A. No, sir; oh, no, sir; he didn't strike me.

Q. He didn't offer to strike you?—A. No, sir; he told me, "By God, if I come there again he was going to put me up."

233 Q. That was after the judges had refused your ballot?

Mr. POLLARD. We object to the question as a repetition.

By Mr. DONOVAN:

Q. That was after you had been refused the privilege of voting by the judges once or twice, after they had decided what they would do with your ballot?—A. Yes, sir.

Q. He complained that you were taking up the time of the judges, interfering with the line of duly-registered voters who were Democrats?—A. No, sir; he didn't say nothing of that. He said, by God, I

hadn't been living there long enough to vote, and he wasn't going to allow me to vote.

Q. Didn't he say to you that there was a line of legal voters there that were anxious to cast their ballots, and as speedily as possible, and that your coming into this line two or three times interfered with them and cost them their time?—A. No, sir; he never made any remarks of that kind to me.

Q. Did anybody instruct you to appear there two or three 234 times?—A. No, sir; I just thought with myself I might give my vote, for from what people said I had a right to vote.

Q. So you offered to vote two or three times?—A. Three times; yes, sir.

Q. Now, my recollection of your testimony is, in the direct examination, that you swore that you offered to vote but once?—A. No, sir; I went up three times; I offered my vote the third time.

Q. Did you not swear here that you offered to vote but once; that your vote was then refused, and you didn't try it any more, but you hung around there for a couple of hours, and then went away?—A. No, sir; I tell you, gentlemen, you may ask me something, and make me answer a question that I don't understand.

The NOTARY. Never answer a question until you understand it fully.

By Mr. DONOVAN:

Q. Now, my question, to put it as plainly as I can, is, did you 235 not testify on your direct examination that you offered to vote at that polling place but once, and that your vote was refused, and that you didn't attempt it again?—A. No, sir; if I said any such thing as that it is a mistake in understanding you, sir, because I aimed to vote the third time; I offered my vote in the third time.

Q. Did you see any fighting there that day?—A. Yes, sir; I seen one man struck.

Q. The same man that was testifying here to-day?

WITNESS. Which one?

COUNSEL. That was sitting in that chair there, a white man.

A. Yes, sir; he was a white man that I seen struck, Mr. Remler, or some such gentleman; his clerk was struck there.

Q. To whom did you communicate this information that you are now giving before appearing on the stand?

Mr. POLLARD. Put your question so that he can understand it.

(To the witness.) Do you understand that question?—A. I am 236 fair to say that that is something that I don't understand.

By Mr. DONOVAN:

Q. Did you tell anybody about the evidence that you proposed to give on this stand?—A. No, sir; I aint told any person about it.

Q. Never had any conversation with anybody about the testimony you are giving?—A. No, sir; no, sir; I aint had no conversation with any person concerning this.

Q. Never said anything to anybody about it?—A. No, sir.

Signature waived.

THOMAS KNAPPER produced, sworn, and examined on the part 237 of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. Thomas Knapper.

Q. Where do you reside, Mr. Knapper?—A. I reside North Second street, 3217.

Q. Were you at polling precinct No. 39 on last election day?—A. I was, sir.

Q. How long were you there?—A. Well, I went there between four and five o'clock, as near as I can come at it. I didn't know what time the polls would open.

Q. How long did you stay there?—A. Well, I staid there, probably, till six o'clock; from ~~in the morning~~ till six o'clock in the evening.

Q. Most of the time?—A. Yes, sir.

Q. Before we proceed with that, let me ask you, what is your business.

WITNESS. What was my business that day?

COUNSEL. No, sir; what is your vocation?

A. I am an ordained elder—minister.

238 Q. What church?—A. Saint Paul Baptist Church.

Q. How long have you been an elder of the Baptist church?—A. I have been an elder there and resided there for going on two years.

Q. Do you know the people who resided at 1600 North Main street on and before election day?—A. I do, sir.

Q. How long have you known them, or most of them?—A. Well, I knew the greater portion of them the year before last.

Q. Do you know Sander Bouser?—A. I do, sir.

Q. How long have you known him?—A. Well, I have known him for two years.

Q. How long has he lived in the city of Saint Louis?—A. I don't know, sir.

Q. How long have you known him in Saint Louis?—A. Well, I have known him in Saint Louis for over twelve months before the election.

Q. Did he reside at that place?—A. Well, not altogether, sir.
239 He just moved, there, I think, as near as I can come at it, some time along in April, I think.

Q. Last April?—A. Yes, sir.

Q. About how old a man is he?—A. He is a settled man; seems to be near forty.

Q. He is a colored man?—A. Yes, sir.

Q. Do you know whether he offered to vote at precinct 39?—A. I do not, sir.

Q. Do you know Silas Bingham?—A. I do.

Q. Where did he reside at the time of the election?—A. 1600 North Main street.

Q. How long did he reside there?—A. He resided there along about April; about the time that I went to the place.

Q. How old a man was he, or about how old?—A. He seemed to be a man about forty (40) years old.

240 Q. He is a colored man?—A. Yes, sir.

Q. How long had he resided in Saint Louis to your knowledge?—A. To my knowledge he had resided in Saint Louis—well, going on two years. Yes, sir; that is before election.

Q. Do you know whether he offered to vote at precinct 39 on election day?—A. I do.

Q. Did he vote?—A. He didn't.

Q. He did not?—A. No, sir.

Q. Was his vote rejected that day?—A. Yes, sir.

Q. What was the reason for rejecting his vote on election day?—A. They said he had no right to vote.

Q. Why?—A. Because he hadn't been here long enough.

Q. Was he registered to vote?

(Mr. Donovan, counsel for contestee, objects on the ground that this is not testimony of the fact, inasmuch as the poll book and the 241 registration list are the best evidence and the recorder of voters is a witness in this cause, and ready to testify whether or not this party was a voter.)

By Mr. POLLARD:

Q. Did you know James Brown?—A. I did.

Q. Where did he reside on that day?—A. 1600 North Main.

Q. How long had he been residing there?—A. He moved there the 1st of April.

Q. How old a man was he?—A. He seemed to be twenty-nine or thirty.

Q. How long had he resided in the city?—A. About two years, to live.

Q. He is a colored man?—A. He was.

Q. Do you know whether he voted?—A. He didn't vote.

Q. Why not?—A. Well, they said that he hadn't been there 242 long enough; he had just come from the South—that's what they told them—and had settled in that building.

Q. Was he registered?—A. He was.

(Mr. Donovan, counsel for contestee, renews the objection as to questions regarding the registration of voters.)

By Mr. POLLARD:

Q. These men whom I have questioned you about, what are their politics? Democrats or Republicans?—A. Republicans, sir, as far as I know.

Q. Who did they offer to vote for on that day; who did they offer to vote for on election day for Congress?—A. They tried to vote for Mr. Sessinghaus for Congressman.

Q. All of them that you know of?—A. Yes, sir; all that I know of tried to vote for Mr. Sessinghaus.

Q. Do you know Charles Foster?—A. I do.

Q. Where did he reside on election day?—A. He resided at 1600 North Main.

243 Q. How long had he resided there?—A. Well, I believe he resided there—he moved there in May, I think; May or April, one or the other.

Q. 1880?—A. Yes, sir.

Q. How old a man was he?—A. He was a man about forty years old.

Q. How long had he resided in the city, to your knowledge?—A. To knowledge, a little over eighteen months.

Q. Before the election do you mean?—A. Yes, sir.

Q. He was a colored man?—A. Yes, sir.

Q. Did he offer to vote on election day, to your knowledge?—A. Yes, sir; he did.

Q. What ticket did he offer to vote?—A. For Sessinghaus.

(Mr. Donovan, counsel for contestee, objects to all these questions, because the gentlemen themselves are within the process of this court, and can be called upon to testify.)

By Mr. POLLARD:

244 Q. Was his vote received?—A. No, sir; it was not.

Q. Why not?—A. Well, he said they told him he had no right to vote; they wouldn't allow any of them to vote.

Q. Was he a registered voter?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, renews his objection touching the registering of voters.)

By Mr. POLLARD:

Q. Do you know Elijah Campbell?—A. I do.

Q. Where did he reside on election day, if you know?—A. Well, his home was on Main street, between Mound and Howard, I think.

Q. Do you know the number?—A. 1717 North Main.

Q. Is he a colored man?—A. Yes, sir.

Q. How old a man is he?—A. Well, he looks to be a man of twenty-five or twenty-six years of age.

Q. How long has he lived in this city, to your knowledge?—
245 A. He was born here, from what they told me. I have known him for going on two years.

Q. Do you know how long he had lived at 1717 North Main?—A. Not altogether, sir.

Q. About how long do you know that he had lived there?—A. He had lived there, to my knowledge, as near as I can come at it, the rise of two years.

Q. Do you know whether he offered to vote at precinct 39 on election day?—A. I do not, sir.

Q. Do you know whether or not he was registered to vote?

(Mr. Donovan, counsel for contestee, renews his objection touching the registration of voters.)

A. I do not, sir.

Q. Do you know George Leland?—A. I do.

Q. Where did he reside on election day?—A. 1600 North Main.

Q. How long had he resided there?—A. He moved down there 246 some time in May or April, one or the other of those months.

Q. How long had he resided in this city to your knowledge?—A. He resided in this city, to my knowledge, as near as I can come at it, about eighteen months, probably a little longer.

Q. Before election day?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to any questions in regard to the qualifications of George Leland, for the reason that the gentleman is present in the room, and can speak for himself.)

By Mr. POLLARD:

Q. Do you know Perry Whalen?—A. I don't remember the name, sir.

Q. Now, you say you were at precinct 39 from before the polls opened in the morning?—A. Yes, sir.

Q. Until six o'clock or after in the evening?—A. Yes, sir.

247 Q. About what time did the polls open?—A. I don't remember from my own knowledge; but about six o'clock in the morning; I don't know really the hour, but I understood when I got there that the polls had been opened about six o'clock.

Q. What was your purpose in being there on that day, Elder?—A. Well, I was employed by Mr. Bensieck to give those colored men tickets.

Q. Any other purpose?—A. Well, no, sir; just to issue the tickets to them.

Q. Now, state whether or not there was any threats or curses on the part of the Democrats assembled there towards those colored Republicans.—A. There was about twenty-five or thirty Democratic men

standing up in front of the polls, and they wouldn't let a colored man to go up to the polls, except he would rush by and try to hand his ticket in, and then they would make him get away; they cursed and abused 248 him; they said they wouldn't allow a d——n nigger to vote there.

Q. Were there any threats that you heard?—A. They threatened to put them in prison—to arrest them.

Q. Provided they would come up at the polls again to vote?

By Mr. DONOVAN:

Q. After they had been refused?—A. Yes, sir.

By Mr. POLLARD:

Q. How many colored men did vote at those polls; how many to your knowledge?—A. I am not able to say, because it looked to me that every man that was there was rejected.

Q. How many, to your knowledge, voted?—A. I don't remember of but one or two men that did vote—two men that did vote; they was Joe Bell and George Harris.

Q. How many, to your knowledge, were prevented from voting there on that day?—A. I am not able to say, really, but to the best of my knowledge I would suppose that there were some ten or twelve.

249 (Mr. Donovan, counsel for contestee, objects to the question unless the gentleman understands what is meant by preventing whether the men were refused by the judges or were prevented from reaching the polls.)

By Mr. POLLARD:

Q. What portion of the time were you there that day?—A. I was there, perhaps, through the biggest portion of the day until about twelve o'clock, and then I jumped on the cars and went up where I lived, and voted and hurried back. I wasn't gone more than half an hour, I reckon, and I still remained around there in the neighborhood of the polls.

Q. Was there a single colored man from 1600 North Main street permitted to vote there that day, to your knowledge?—A. There was—most every man that came there they told him they wouldn't 250 allow him to vote—they rejected him.

Q. Did you see a single man that came there and voted, to your knowledge?—A. Not one to my knowledge.

Q. Which one of the colored men whom you knew, or were members of your church from that locality, was permitted there to vote on that day?—A. No, sir; there wasn't any of them permitted at all.

Q. State whether or not you are familiarly acquainted with the colored people in that locality.—A. I was, sir; I was, personally.

Q. State what are the polities of the colored folks in that community and locality—whether Democrat or Republican.—A. Republican, sir.

Q. State whether or not that fact was well known to the Democrats in that community.

(Mr. Donovan, counsel for contestee, objects to the question because it calls for the opinion of the witness?)—A. Well, I believe that they did, because we had our meetings there—speaking right on the street.

Q. Do you know how many colored voters there were in precinct 39?—A. I do not; I never have taken any account of it, sir, how many there was.

Cross-examination, by Mr. DONOVAN, counsel for contestee:

Q. How many men over twenty-one years of age resided at this cel-

ebrated house, numbered 1600 North Main street?—A. Over that age? Well, I don't know, sir; I don't really know. I haven't studied the matter up. Never took any special account of ages.

Q. Do you live there yourself?—A. No, sir; I don't live there.

Q. You are well acquainted with the place?—A. I rents the place; I rents the rooms out to them.

Q. How many people are there in that building who rent rooms
252 from you?—A. Well, if you will give me a little time I can count the families.

Q. Give me an account of the men over 21 years 'of age who would have a proper right to vote from that building?—A. There is about nine or ten; between nine of them.

Q. Can you give their names?—A. I can.

Q. Please do so.—A. Sam Windom, one; James Crown, two; Walter Harris, three; Cain Rollins, four; Charles Foster, five; George Le-land, six; Mr. Wilson makes seven; John Smith, eight; Mr. Batten, nine; Si Bingham, ten; and another name there, Stewart Macke, eleven.

Q. That is all?—A. Yes, sir; that is all that I can remember now.

Q. These are members of your church?—A. Principally.
253 Q. Which you have in the building?—A. Yes, sir.

Q. Are these all the male members of your church that you have at present?—A. Well, no, sir; just them many lives there—male members.

Q. How many male members have you in your church?—A. About two hundred and sixty (260).

Q. But they are scattered through the city of course?—A. Yes, sir; different parts.

Q. How long have you yourself resided in the city, Mr. Knapper?—A. I have resided in the city, sir, going on about—well, I came here last April—first of last April a year ago; this coming April it will be two years since I have been in the city.

Q. Where did you reside when you came to the city?—A. Compton Hill.

Q. When did you move from Compton Hill?—A. The first of 254 spring. April, I think.

Q. Where did you move to?—A. North Second, number 3217. Q. In the neighborhood of this building?—A. It is very different; I guess it is about a mile or two miles above—north.

Q. Do you own this building number 1600 North Main?—A. I don't own it, but I rents it.

Q. And then sublet it to these men whose names you have given me?—A. Yes, sir.

Q. It appears that all of these men came at the same time to the same building?—A. I rented the building in order to get a church in the lower part, in the grocery part as it used to be. I couldn't get the place except I got tenants enough to fill up the rooms upstairs; so I got my friends to go and move into that building.

Q. The room that you use as a church was formerly a grocery?—A. Yes, sir; used as a grocery.

Q. Did all of these men come to that building at the same 255 time?—A. No, sir.

Q. In your testimony here they all appear to have moved in in the month of April.—A. No, sir; not all.

Q. Had there been removals there before?—A. No, sir; not any

more than one family, or two families ; the rooms have been filled up since.

Q. Have they moved there since you took charge of the building in April, 1880 ?—A. Yes, sir.

Q. Do you know the occupations of these people ?—A. Principally, sir.

Q. I wish you would tell it.—A. Well, the men generally works jobs ; work on the levee along the river, when the river is open ; and they unload barges and so forth; work in tobacco factories ; sawing wood ; and so on through the town, wherever they can get work.

Q. Are there many of them rivermen ?—A. Well, not many, not to say river men.

Q. Do they make trips ?—A. I should say about three or four.
256 They generally runs the river when it is open.

By Mr. POLLARD :

Q. These three or four thus living in this house, are they members of your congregation ?—A. Yes, sir ; the three or four they live in this house.

By Mr. DONOVAN :

Q. Have you voted here before yourself, Mr. Knapper ?—A. Not before, until last November.

Q. Did you vote at this election ?—A. I tried to vote; I handed them a ticket, but they told me—well, they told me it was all right.

Q. But they deposited your ballot in the box ?—A. Well, I suppose they did ; they received it.

Q. There was no objection to you ?—A. No, sir.

Q. Who instructed you to drill the gentlemen living in 1600 North Main ?

257 WITNESS. What do you mean by drilling ?

COUNSEL. Well, to induce them to vote ; to show them how to vote.

A. Well, they felt that I was competent, as their minister, and that I should understand the matter, and that I was the proper one to instruct them in regard to the difference in tickets, because a great many couldn't read and didn't know, and had to be instructed.

Q. You were paid for giving this instruction to them ?—A. No, sir ; I was only paid for the day's labor that I did; for the service during the election day ; for no other purpose.

Q. You were in the employ of what party ?—A. Well, of Mr. Sessing-haus, that is all I know.

Q. Who employed and paid you ?—A. Mr. Bensieck.

Q. Who was Mr. Bensieck ?—A. I don't know who he is ; he is a citizen ; he keeps a stable on Sixth or Seventh ; I don't know which.

258 Q. An active Republican partisan ?—A. Yes, sir.

Q. When did you first make his acquaintance ?—A. I made his acquaintance, I believe, as near as I can remember, about a month, probably, just before the election.

Q. How did you come to meet him ?—A. Well, I was inquiring around. I wanted to know what the proper party was to vote for, and I passed by the stable there and asked him. Some of my colored members was there, and he gave me some information ; that was how I was introduced to him; but he couldn't talk to me any time.

Q. What promises did he hold out to you for this service ?—A. Not any other except that one day—election day—for which I was paid.

Q. How much did he pay you ?—A. Five dollars.

259 Q. You got no other sum?—A. No, sir.

Q. Were you employed to bring these witnesses here?—A. No, sir.

Q. Did you tell the people to go around, and induce them to come here?—A. No, sir.

Q. Why did you go to the polls at four o'clock in the morning?—A. I didn't know really what time the poll was going to open, and I wanted to be there in time.

Q. It was dark at that time until six, was it not?
WITNESS. Dark from four until six?

COUNSEL. Yes.

A. No, sir; it was not very dark.

Q. It was pretty dark when you arrived at the polls?—A. Yes, sir; it was, sir.

Q. Why did you go at that unseemly hour?—A. I wanted to be there in time so that if any of my colored friends came there that I could see them.

260 Q. Before the polls were open?—A. Yes, sir; I had tickets to give.

Q. Do you know what proportion of these voters could read the tickets that you handed to them?—A. I don't believe any more than two or three or may be four could read.

Q. Did you offer them any compensation for voting the ticket that you placed in their hands?—A. No, sir.

Q. Did you offer them any reward of any kind?—A. No, sir; nothing of the kind, sir.

Q. Did you handle any tickets called Chronicle tickets on that day?—A. I am not acquainted with that ticket, sir; I never took no 'count of them; I handled nothing except the Sessinghaus ticket; I didn't look at any other.

Q. What do you call the Sessinghaus ticket?—A. Where Mr. Sessinghaus's name was on the ticket.

Q. You don't know whether the ticket that you handed these men was the straight Republican ticket, or what was known as this 261 Chronicle ticket?—A. I received the tickets from respectable men who were Republicans.

Q. You can read yourself, can you not?—A. Tolerably well, sir; some print I can't.

Q. Did you look at the heading of this ticket that you were handing out?—A. I did, sir; but I couldn't remember now how it was headed.

Q. Don't you know that there was a deceptive ticket that was offered to voters on that day?—A. I did on that day, but I can't remember now what the ticket was.

Q. Do you remember now any of the tickets that you handed to these men?—A. I remember that I handed them the Sessinghaus ticket.

Q. But that name was on the spurious ticket as well as on the straight Republican tickets?—A. Yes, sir; but I handed them the straight Republican tickets.

262 Q. How many men did you hear state on that election day that they wouldn't let them vote or come near the polls at all?—A. I don't know; about twenty or thirty was in the crowd, so I judge.

Q. Can you give the names of any of them?—A. No, sir; I am not acquainted with them.

Q. This remark was made after these persistent attempts to vote?

WITNESS. Made afterwards.

Q. Made after these parties persisted in attempting to vote when the

judges had already passed upon the ballot and had decided on its being illegal?—A. You will have to speak a little plainer; I can understand very well, but sometimes, if your words are not plain, I cannot answer them; I will answer you fully when I understand you. I don't remember a man getting any opinion of the judge, because they wouldn't let him come up to the poll; when they would go up 263 to the poll they would be rejected by these outside men.

Q. Was this after the party had been at the polls before?—A. They didn't allow them there from the time that polls opened until the evening; they were rejecting them all during the day.

Q. My question was, whether this objection to the casting of ballots of these men of whom you have spoken took place after they had come there once or twice before, and after they still insisted upon taking up the time of the voters in the line?—A. I don't remember anybody standing in the line.

Q. Mustn't they have stood in the line to have voted?—A. They come up to the polls, four or five of them together, but were stopped by these white men.

Question. Anybody hit?—A. Nobody.

Q. Then what do you mean by being stopped. Do you mean by 264 that that there was bulldozing, threatening, intimidation, and disturbance?—A. That is, when they first handed in their ballots; yes, sir.

Q. Some gentleman just asked them: "Where are you going"?—A. Yes, sir; and they told him that they wanted to vote, and they told them that they had no right to.

Q. That was after they had been there before and been told by the judges that they couldn't vote?—A. No, sir; that was from the very first commencement in the morning.

Q. Can you give the name of a single man who dropped out of the line of voters because he was informed that he could not vote at that poll?—A. I can't give you any particular names, sir, but when they declined them—

Q. What do you mean by declining them?—A. When they stopped them from going up close to the polls and told them they shouldn't vote.

Q. You were talking with a man right near the window? 265 —A. No, sir; after they tried it the first time, and they were thus attacked by this man, they would step away from there.

Q. By "attacked" you mean "Where are you going"?—A. That is, the man stopped these colored men; he stopped and stood a while and afterwards they all seemed to get quiet; then the boys tried to go up to the doors and vote, and they all dropped into the line two by two.

Q. They got into the line again?—A. Yes, sir.

Q. And went to the window?—A. They tried to get to the window, but they couldn't get there.

Q. Who prevented them from getting to the window?—A. I don't know the names of the men or any man's name particular. They were all those fellows; they was cursing and bulldozing that was stand around the door and wouldn't let them vote; I couldn't call them by name.

266 Q. Where were you standing when this was going on?—A. I was standing right behind; I was standing right in the place there, within about five feet of the door.

Q. Don't you know that it is the law that you must stand a hundred feet from the poll in canvassing?—A. I had no tickets then.

Q. But you staid there right in front of the poll, taking care of the colored voters?—A. Because they called me up; the judges called, and somebody asked me, "do I know thus and such a man"; I told them I did; that was the way I come up in front.

Q. Then he went through all the line to the window; the judge took his ballot from his hand and decided that it was not a proper one?—A. Yes, sir.

Q. And that is what you mean by preventing him from voting?—A. Well, that is what the judges say.

Q. And that is what you mean when you say these men were 267 prevented from voting?—A. I don't mean that, only; I mean they cursed them, that is bulldozing; and they went on at a terrible rate; said they shouldn't vote or they would arrest them.

Q. Do you mean to say the judges prevented anybody from voting?—A. No, sir.

Q. You don't mean to say that these colored men didn't present their ballot?—A. They did present their ballot.

Q. And the judges passed on it?—A. They had nothing to do with the judges; they didn't get a chance to talk to the judges at all.

Q. So, then, there was nobody prevented from going to the window to present his ballot?—A. They were prevented.

Q. Where and when?—A. They was prevented from the first; from the morning until the evening.

Q. Where?—A. Right at the polls; right at the door.

Q. Wasn't there a policeman there?—A. There was a policeman, but they didn't regard the policeman.

268 Q. Wasn't there a United States marshal there?—A. Yes, sir.

Q. Wasn't there a supervisor there?—A. So there was, but they didn't regard him.

Q. Was there a single man jerked out of line?—A. Sam Windom was jerked out of line and arrested.

Q. Why?—A. Because he went up and tried to vote.

Q. For the third time?—A. I suppose it was three.

Q. Was there anybody else?—A. Well, there was a good many men tried to vote. There was a man in the line whom they told to stand back, and he spoke to the colored marshal, and some colored friends there and asked them what he should do. This colored marshal said he was afraid to do anything himself, but he told him it was best to wait awhile and see if nothing could be done so that these men could 269 vote; so they sent up for Mr. Bensieck and another gentleman name Judy, and they come, but they drove them away from the polls.

Q. What do you mean by Mr. Bensieck and Mr. Judy, prominent Republicans, and as well able to take care of themselves as any citizen of Saint Louis, being driven away from that poll?—A. They were driven away from that poll if they didn't want to be knocked down.

Q. Do you suppose that Mr. Bensieck or Mr. Judy, neither of whom are afraid of any white man in the world, could be driven away from the polls—you don't mean that?—A. Well, if 100, or 30, or 40 men were after them, they might be willing to leave.

Q. Are they not the most prominent Republican leaders in the city?—A. Suppose they are, but they didn't regard them there at that polls.

Q. Bold and defiant, and men who would not permit any right that they had to be taken from them?—A. Well, they told him, 270 Mr. Bensieck, that he better get away from there, and he went away.

Q. Did anybody touch him ?—A. Nobody touched him, but he went up there to see whether or not these men couldn't vote.

Q. That is, he went up to the window ?—A. Yes, sir.

Q. And he went away ?—A. Yes, sir.

Q. And he staid away ?—A. He staid away. No, before Sam Windom was arrested, he came back again to see if he couldn't get to vote, and Sam Windom went in and went with the crowd, and just as he was getting along, up stepped a man and touched him on the shoulder, and said, "I arrest you." This was all done before Mr. Bensieck got out of sight ; before he had got into his buggy.

Q. He was permitted to go up to the window ; he was permitted to go up with Mr. Windom, and see if he was lawfully entitled to 271 vote ?—A. Well, Sam didn't get it in.

Q. And the judges told him what their conclusions were ?—A. Yes, sir.

Q. And having completed the business that had brought him to the polls, he got into his buggy and left ?—A. I don't know whether he did or not ; I think they made him get out of the way.

Q. Did he have any other business there ?—A. I don't know, sir ; I suppose he went there—

Q. Is that his voting place ?—A. I don't know.

Q. Wasn't he just simply making a general survey of the field ?—A. I don't know.

Q. Wasn't he just driving around in the district in the interests of the Republican party, and observing how matters were going on ?—A. I suppose he was.

Q. Do you know of any other business that he had to do there that day at that poll, after he had discussed with the judges the legality or illegality of this negro, Mr. Windom, having a vote 272 there ?—A. No, sir.

Q. So he left ?—A. Yes, sir.

Q. Do you call that driving him away from the polls ?—A. He went away from there the first time.

Q. Then this was the second time that he was there ?—A. Yes, sir ; this was the second time ; he come back.

Q. What brought him back ?—A. I don't know ; he just came back ; he had heard, I suppose, that there was trouble at this poll, and he had come down to see about it ; but he didn't want to get overpowered, I suppose. I supposed he was going to get sworn in as a marshal.

Q. Who was ?—A. Mr. Bensieck, I suppose so I said ; I suppose he was going down there to see if he couldn't get sworn in as a United States marshal.

273 Q. Then he was not driven away the first time nor the second time ?—A. He was told that he had no business there.

Q. Did he pay any attention to any remark of that kind made by anybody at that poll ?—A. He didn't seem to at that time.

Q. Do you know how many colored men offered to vote at that poll that day ?—A. No, really ; I wasn't there all the time.

Q. About how many ?—A. I suppose about twenty and some odd.

Q. That offered to vote ?—A. Yes, sir.

Q. Some of them voted, and some didn't ?—A. I don't know whether any voted, except possibly two colored Republicans.

Q. But the majority of those that offered to vote lived in this questionable house ?—A. Yes, sir.

Q. Did you know of no negroes residing at any other house than

274 that that were refused the right to vote at that precinct?—A.
Yes, sir.

Q. How many?—A. Well, I don't remember exactly.

Q. About how many?—A. I would like to give you a special answer on a proper point if you will allow me to think a moment; I suppose about four or five that didn't live there at the building.

Q. And who offered to vote?—A. There was Mr. Ashley, he offered to vote, that was one; and there was old man Jo Bailey, he offered to vote, he was objected to; and there was old man Bell and another man that lived there in the same building, 1717 North Main.

Q. A negro?—A. A negro, sir. There was George Harris, and there was—

Q. You have mentioned George Harris previously, and I believe you have stated that he voted.—A. I believe those are the only ones, then.

Q. I asked you how many negroes who did not live at this 275 house that the judges seem to have questioned, offered to vote, and were refused to vote; and you say you don't know the name of one of those negroes that did vote?—A. No, sir; I suppose aside from the building where I rents and occupies, I suppose about two or three of my friends.

Q. Who voted?—A. That didn't vote.

Q. What was the largest number of people that were at that poll at any one time during the day?—A. I don't really, sir, know; because I didn't particularly count them; but with white and black about forty; probably more.

Q. That was the largest number that was present at any one time during the day?—A. Well, there was thirty or forty, I suppose; the largest number was about along the middle part of the day.

Q. Was there anybody roughly handled there that day, except 276 this gentleman who testified on the stand here, and who was a Democrat?—A. That is all, sir, to my knowledge.

Q. How long have you been in attendance here?—A. I have been in attendance nearly two years.

Q. I mean in this cause?—A. I was subpoenaed here the other day.

Mr. POLLARD. He means when you came to this building, this room.

A. I came here this morning.

By Mr. DONOVAN:

Q. And you have been here all day?—A. I came here about ten o'clock, between ten and nine.

Q. You have been with these men who have been testifying, and whose names you have given, and who are under your religious counsel?—A. Well, I was in the presence of some of them; sometimes was down-stairs and walking about the streets, too.

277 Q. Talking with these gentlemen about their testimony?—
No, sir; by myself.

Q. Gave them no instructions as to how they should testify when they took that chair?—A. None at all; no, sir.

Q. You have had no conversation with them on the subject?—A. ~~no~~ sir.

Q. Nor they with you?—A. No, sir.

Q. Nothing was said?—A. No, sir.

Q. You spent the day together?—A. No, sir, not altogether; because sometimes I was not present; then again I was out on the street.

Q. You were in this drill-room, were you not, part of the day?—A. Part of the day.

Q. And they were in there?—A. And I was in here part of the time.

Q. And these men were in there with you?—A. What time I was in there they was some of them in there.

278 Q. And you were all there for the same common purpose?—A. I suppose so.

Q. Were you employed to bring these men here?—A. No, sir.

Q. Are you paid for the testimony that you are now giving?

WITNESS. Am I paid?

COUNSEL. Yes.

A. Not as I know of; I haven't heard any talk of any pay.

Q. Has anybody promised you any money for the testimony that you are giving and for the obtaining the testimony of these other witnesses other than the seventy-five cents a day to which you are entitled?—A. No, sir.

Q. You have no hope of reward?—A. None at all, sir.

Q. Now it appears from different witnesses that there actually was no intimidation or trouble at that poll, except this trifling occurrence about which the gentleman has himself testified; and yet each witness 279 endeavors to convey the impression that there was great trouble there. How do they all come to be so much in accord?—A. I aint able to tell you, sir.

Q. And many of these men were not present during the latter part of the day?—A. I suppose not; I am not certain; I never particularly kept account whether they remained there or not, my business was at such a distance from there.

Q. And each of these gentlemen seems to have in his mouth "G—d d—n you"?—A. Well, that is the way they did swear there, or did curse; they say, "G—d d—n you" and a great many other things.

Q. Who furnished these witnesses with this "G—d d—n you"?—
A. I suppose their own ears furnished them.

Q. Were they not instructed to say that when they came in here?—
A. I don't believe they was; I don't know anything at all about that.

Q. Do you know whether or not they were furnished with instructions that they should repeat those words in their testimony as 280 having been used on election day?—A. I did not; the only instructions was from their consciences.

Q. You heard nobody in the drill-room tell them to so testify?—A. I did not.

Q. And you never spoke between you?—A. Not in regard to this matter.

Q. In regard to the testimony that was to be given in this cause, or what each one was to say?—A. No, sir.

Q. To nobody?—A. No, sir.

Signature waived.

Not being able to complete the taking of these depositions, by reason of want of time, I do now adjourn the further taking of the same until to-morrow, Friday, February 4, 1881, at half past nine o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public. City and County of St. Louis, State of Missouri.
Term expires March 13. 1882.

No. 6.

Pursuant to adjournment, as above stated, on the fourth d
1 of February, 1881, at the hour of half-past nine in the forenoon
we continued he taking of said depositions, as follows:

JOHN SMITH, produced, sworn, and examined on the part of the co
testant, deposeth and saith:

Direct examination by Mr. METCALFE:

Question. State your full name.—Answer. John Smith.

Q. You are a colored man?—A. Yes, sir.

Mr. DONOVAN. I will now ask the attorney for the contestant whet
he has examined all of the witnesses under his first notice.

Mr. METCALFE. I am not willing to commit myself. I will not info
the counsel, at present, whether I have finished or have not. I do
think it is necessary.

Mr. DONOVAN. Inasmuch, then, as it is a fact that all the witness
named in the first notice have not been examined, counsel for the co
testee objects to this mode of procedure, believing that it is t
2 duty of the contestant to exhaust all the witnesses named und
his first notice before proceeding with the witnesses named
subsequent notices.

Mr. METCALFE. (To the witness). Mr. Smith, will you state whe
you live?—A. 1600 North Main.

Q. How long have you lived there at 1600 North Main street?—
Well, I have been down there ever since the second day of March.

Q. Last?—A. Last March; yes, sir.

Q. Where were you born?—A. I was born way down in Charlest
South Carolina.

Q. How long have you lived in the city?—A. I was here last Se
tember a year ago.

Q. Will you state whether or not you registered previous to the ele
ction held last November?—
3. (Mr. Donovan, counsel for the contestee, objects to the qu
tion on the ground that the record is the best evidence of th
fact, and that Mr. Gonter, recorder of voters is present and ready
testify.

A. Yes, sir; I have registered.

By Mr. METCALFE:

Q. Will you state whether or not you voted on election day last, N
ovember second?—A. No, sir; I have not.

Q. Will you state whether or not you tried to vote?—A. Well,
did.

Q. State what was done with your vote, and whether it was received
No, sir; they wouldn't receive it.

Q. Why?—A. Says I was not here long enough.

Q. They wouldn't receive your vote?—A. No, sir.

4 Q. What time in the day did you try to vote?—A. Well, it w
soon in the morning; that is, just in time. I don't know wheth
it was 5 o'clock or not; anyhow I went down with Mr. Knapper a
some of the rest of them.

Q. And you offered your vote to the judges?—A. Yes, sir; of course I did.

Q. And they would not receive it?—A. No, sir; they would not.

Q. Did you stay at the polls or go away then?—A. No, sir; I was there. After they would not receive it, and gave it back to me, I went to my house, and then I went right back to the city hall. I thought by that way they would take my vote. I thought that maybe the registrar having written my name down, that maybe I could vote that way; so I went back down to the man there, and he went right to the book and says, "Here is your name."

5 Q. He looked at what book?—A. On the big book.

Q. The registration book?—A. On the registration book.

Q. And he saw your name?—A. Yes, sir.

Q. And he said your name was there?—A. Yes, sir; he said my name was there.

Q. What did you do then? State whether or not the place to which you went was the recorder of voters' office in the city hall.—A. Well, I think, as far as I can understand—the house was crowded with men—I think that was the place. That was the place I got my registration.

Q. In the city hall where you registered?—A. Yes, sir; in the city hall.

6 Q. Did you go back to the polls again after you?—A. Yes, sir; he gave me a writing back to the polls.

Q. What did you do then?—A. I handed it to him.

Q. To whom?—A. To the judge himself, of course.

Q. And he looked at it, and what did he say then?—A. He says excuse me, but my number was not on it; not only that, but I wasn't here long enough; and they handed it back to me; and after they handed it back to me they told me to go and get the number of my house; but it was so late I couldn't go back there, and I went down home, and just wouldn't have nothing more to do with it.

Q. Was the number of that precinct thirty-nine?—A. It was right on Broadway; I think that is the precinct.

Q. You went home then?—A. Yes, sir; I went home then.

7 Q. State whether or not at the time you offered your vote parties on the outside made threats to you in any way.—A. Of course; of course.

Q. State what was said to you by the parties, if anything.—A. The outside; first, beforehand, on the outside there was a tall, raw-boned man with a red mustache.

Q. State whether or not any threats were made to you by men on the outside in reference to voting.—A. No, sir; nobody made no threats after me.

Q. State whether or not any violent language was used to you by parties on the outside of the poll.—A. Well, it was —; I couldn't recollect now who made it.

8 Q. Do you remember what was said; what the language was?—A. I heard swearing after I come away from the window.

Q. Well, were they swearing at you?—A. No, sir; swearing at some other man that come up to the window after I got away.

Q. Some colored man?—A. Yes, sir.

Q. State whether or not the manner of those who assembled on the outside toward you, or toward colored men there, was rough or mild.—A. It was very rough.

Q. State whether or not other colored men were not allowed to vote at that precinct who lived where you did; whether or not you noticed

it.—A. Well, I couldn't tell you that, because I wasn't there long enough to examine that.

Q. You were not at the polls long enough to know?—A. No, sir.

9 Q. State what are your politics; are you a Republican or Democrat?—A. Republican, sir.

Q. State whether or not you offered to vote the Republican or Democratic ticket.—A. Republican ticket, sir.

Q. State whether or not you offered to vote for Mr. Gustavus Sessinghaus or Mr. Frost.—A. I heard of Mr. Sessinghaus, and I wanted to vote for him, but I have never seen him.

Q. State whether or not you offered to vote the straight Republican ticket.—A. Of course I have, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do you know what ticket you had in your hand; can you 10 read?—A. No, sir; I can't read; but the ticket I had in my hand I got it from Mr. Knapper.

Q. Do you know whether that was a Democratic ticket or a Republican ticket, from your own knowledge?—A. Well, I got it from Mr. Knapper for a Republican ticket.

Q. And you took his say so for it?—A. Yes, sir.

Q. But inasmuch as you can't read, you don't know whether the name of Mr. Sessinghaus was on your ticket, or any other name?—A. No, sir; I can't read, but I took it for that.

Q. You approached the polls peacefully, you say?—A. Of course I have.

Q. Nobody interfered with your approaching the polls?—A. No, sir; just told me I couldn't vote there.

11 Q. That is, when you got to the polls the judges informed you that you were not entitled to vote. The judges of election informed you that you were not entitled to vote, giving you their reasons for refusing your vote?—A. Told me I wasn't there long enough.

Q. You were not interfered with in any manner?—A. No; they didn't interfere with anything; just told me I shouldn't vote.

Q. Nobody addressed any violent language to you?—A. No, sir.

Q. You saw no disturbance there?—A. Well, I haven't staid there long enough to—

Q. You saw no disturbance there?—A. No, sir; I haven't saw no disturbing there, for the reason why I didn't stay there long enough.

Q. You think if you had staid there long enough you would 12 have seen it?—A. I expect so; but I was very quickly off; very quickly off.

Q. Who resided at 1600 North Main?—A. Sir?

Q. Who resided at 1600 North Main?—A. Well, I don't know the gentleman. You ought to speak plain to me, I am not a book-learned man.

Q. Who lived at 1600 North Main?—A. There is—I can tell you their name.

Q. Now give me the names of the people who would probably be voters that resided in that building?—A. William Lee, George Lena, James Brown, Mr. Walter, Cain Rollins, Jack Parton, Ben Thomas, and myself; that is all. Oh, yes; no, there was Charles—old man Charley.

By Mr. METCALFE:

13 Q. What is his last name?—A. Well, I don't know.

By Mr. DONOVAN:

- Q. How long have they resided there?—A. Sir?
- Q. How long have they lived there?—A. Well, I have never kept any account how long they was there.
- Q. Were they there before you came to live there, or after?—A. No, sir; I am just the first one that lived in the building.
- Q. And you came there when?—A. The second day of March; last March.
- Q. And you were the first one to come there?—A. Yes, sir.
- Q. A good many of them came about the 1st of April?—A. Well, I don't know; if I go to tell you the truth about it, I never took no account of what time they did come; I would have to tell you a lie.
- 14 Q. Where did these men come from? A.—Well, I reckon they are pretty much come from the South.
- Q. Did they all come at the same time?—A. Oh, no, sir; no, sir.
- Q. Were they what were known as refugees?—A. I don't know what you call a refugee, sir.
- Q. Well there was a great number of colored men that came from the South last year. Were these men some of them that came at that time?—A. No, sir; oh, no.
- Q. None of them?—A. No, sir.
- Q. Do you know how long they had been living in the city?—A. No, sir; not particularly.
- Q. Do you know when they came to the city?—A. No, sir; I cannot tell you.
- Q. Have you no idea?—A. No, sir.
- 15 Q. You know them all?—A. I knew them all after they came here in town.
- Q. Did you talk to them about where they came from and when?—A. No, sir; never had noquisitiveness in regard to none of them.
- Q. But you were living with them for many months in the same house?—A. Yes, sir.
- Q. And they never spoke where they came from, nor when they came?—A. Come from toward the South; that is all I knew.
- Q. They didn't tell you when they came?—A. No, sir.
- Q. And you had no conversation on that subject with them?—A. No, sir.
- Q. Who induced you to go to the poll?—A. Well, I just got hold of a ticket and went as far as Broadway, and we found a parcel of 16 men standing on the street and we asked them the way to the poll, and we just went because we wanted to vote.
- Q. Did Mr. Knapper request you to go?—A. No, sir; he never suaded us to go at all.
- Q. You live in his house?—A. Yes, sir.
- Q. Did he make you any promise of reward for going there?—A. No, sir.
- Q. Then did he make you any promise that you would be paid for your time and trouble in going to the polls?—A. No, no; oh, nobody at all.
- Q. Did he speak to you beforehand?—A. Sir?
- Q. Did he speak with you before you went to the polls about your duty to go there?—A. No, never; have not much to say at all.
- 17 Q. You have not much to say at all, but what did he say?—A. Well, he said if I wanted a ticket I could get it; that is all.
- Q. Did you ask him for the kind of ticket that you wanted?—A. Yes,

sir. I asked him if he got any Republican tickets; he says, "Yes;" "Well," I says, "hand me one."

Q. Did he have many?—A. Yes, sir; he had a pretty good bunch in his hand.

Q. How long before the election did he speak to you in this way, or you speak to him?—A. Well, I couldn't tell particular; I never took no account how long it was.

Q. Well, about how long?—A. Well, it has been about two weeks, as nigh as I can come at it.

18 Q. You said to him, "I want you to give me a Republican ticket"?—A. Yes, sir.

Q. Do you know whether or not they were printed at that time?—A. Well, I don't know particular.

Q. Don't you know they were not?—A. Well, I don't know.

Q. Did he tell you that it was your duty to vote the Republican ticket?—A. Sir?

(Question repeated by the notary.)

A. No, he didn't told me; he didn't told me it was my duty. I just wanted to do it anyhow.

Q. When you did speak to him two weeks before the election he handed you a ticket?—A. Yes, sir.

Q. How many colored men were at the poll when you handed in your ballot?—A. Sir?

(Question repeated and explained by the notary.)

19 Q. A. Well, about fifteen, I believe; fifteen colored men, as nigh as I can come at it.

Q. All standing there, ready to hand in their tickets?—A. Yes, sir.

Q. All standing in line?—A. Yes, sir.

Q. How many white men were present?—A. Good many.

Q. Were they standing nigh to the poll or away from it?—A. Well, they were standing pretty close by; there was a right smart batch of them.

Q. Were they voters, like the colored men, or not?—A. I don't know particular whether they were voters or not.

Q. What were they doing; just standing there?—A. Yes, sir; just standing around da; some few white men voting.

Q. All these colored man presented ballots, did they or did they not?—A. Well, now, I do not know, because I was not there long enough to see.

Q. But there was an opportunity for them to present their ballot if they so desired?—A. Of course.

Q. When you went to the City Hall, whom did you see?—A. Sir.

(Question read and explained by the notary.)

WITNESS. Who did I see?

COUNSEL. Yes.

A. Well, I seen the gentleman that first give me the register; I don't know his name.

Q. Did you have any conversation with him?—A. No, sir.

Q. Is that the only one that you saw?—A. Yes, sir; oh, no; I saw a good many more. That was the only one I had anything to do with.

21 Q. Did he or did he not say that the board of revisers had taken action on your name?—A. No, sir; he never said.

Q. Well, you returned again to the poll?—A. Yes, sir.

Q. When you came to the poll were there many colored men there?—A. No, sir; not as many as white.

Q. There are not a great many colored voters living in that particular district, are there?—A. That is more than I can tell, sir.

Q. Well, your best impression is that there are far more white voters than colored living there?—A. Well, I told you as nigh as I can.

Q. Well, about how many colored voters reside there?—A. Sir? (Question read and explained by the notary.)

A. Never took no account of how many there was; it was pretty late in the evening when I went there.

Q. When you went there in the morning the first time, and these ten or fifteen colored men were present, and you offered to vote, what was the question that disturbed the judges?—A. Well, now, I couldn't tell; it is too hard for me, gentlemen, to answer that.

Q. Was it not frequently spoken by them that they could not identify the parties?—A. You have to speak plainer than that, gentlemen; I can't understand you.

Q. Well, they did not know that the party who presented the ballot was the same party whose name was given in at the window?—A. Too hard for me.

Q. Did they say they did not know you?—A. No, sir; they didn't say that, neither; just told me I hadn't been here long enough to vote.

Q. Did you hear them say to others that they did not know them?—A. No, sir; never.

Q. How long were you at the window?—A. Why, it wasn't more than hardly ten minutes.

Q. You think you were there ten minutes at the window?—A. Yes, sir; just been there long enough to hand my register in to the judge, and the judge handed it to a young man to look at; handed it back right there to a young clerk, and then handed it back to me; then I branched right off.

Q. You then went away?—A. Yes, sir.

Q. And did not see what action was taken in regard to the ballot of other colored men?—A. No, sir; I haven't.

Q. Although they were all there in line?—A. Yes, sir.

Q. And at the window?—A. Yes, sir.

Q. Do you know how your ticket was headed?—A. Sir?

(Question read and explained by the notary.)

A. No, sir; I haven't.

Q. Do you know whether or not, it was not what was known as a spurious ticket?—A. I got it from Mr. Knapper, for a true Republican ticket, and that is all I know, gentlemen.

Q. You were here last evening?—A. Yes, sir.

Q. You saw Mr. Knapper here?—A. Yes, sir.

Q. You saw his cross-examination closed?—A. Yes, sir.

Q. You heard his statement that he was not interested in this case, further than simply as a witness in the performance of his duty?—A. I never heard all his statement.

Q. Do you find the gentleman sitting here, present now?—A. Yes, sir.

Q. He is here?—A. Yes, sir; I see him.

Q. Do you know what his business is here at the present time?—A. No, sir; I haven't.

Q. You don't know if he has any business here?

Mr. METCALFE. I object to this cross-examination as perfectly absurd; as far as relevancy is concerned it has no bearing on the case, no tendency to show anything of any value in the issues.

(Question repeated by the notary.)

A. No, sir; I don't.

By Mr. DONOVAN:

26 Q. But you find him devoting his attention to this case?—A. There you are again, sir; you are too hard for me, sir.

Q. You found him sitting here in this cause after we had closed his testimony?—A. Of course, I have seen him. I am seeing him sitting here now.

Q. Did he make you any promises of pay?—A. No, sir.

Q. For coming here?—A. No, sir.

Q. Have you spoken to him about the facts of your case?—A. No, sir; I haven't.

Q. Have you spoken to these gentlemen here, the attorneys in this case?—A. No.

Q. Have you spoken to anybody?—A. No, sir; not at all.

Mr. DONOVAN. That is all.

By Mr. METCALFE:

27 Q. Mr. Smith, what is your age? I neglected to ask you your age.

WITNESS. Where was I raised?

COUNSEL. No. How old are you?—A. About forty-eight years of age.

Q. And this Mr. Knapper, that you have spoken of that gave you the ticket on election day which you tried to vote, state whether or not you know him to be a Republican.—A. Of course he is a Republican.

Q. He is a colored man, is he not?—A. Yes, sir.

Q. Did the judges when you offered to vote your ticket, did they say that your name was not on the list?—A. No, sir; they didn't.

Q. They didn't say anything about it?—A. No, sir.

Q. This man Charley, that you say was living in your building, can you now remember his name?—A. No, sir.

28 Q. State whether or not the name Charles Foster occurs to you now.—A. Yes, sir; I believe that is it.

Mr. DONOVAN. We object to that as leading.

By Mr. METCALFE:

Q. You stated on the cross-examination that there were more white men than colored at the polls.

WITNESS. At the last time?

COUNSEL. Yes, sir.

A. Yes, sir; they were.

Q. State whether there was many more white than colored men.—

A. Yes, there was, of course, more white men than there is black.

By Mr. DONOVAN:

Q. Then there are more white men than colored men in that district?—
A. At the poll at the time, the last time I went there.

Q. I mean that there are more white men living in that district than colored men?—A. Oh, well, that I don't know. I don't know nothing of that. I am just speaking of the poll the evening that I went there, the last time.

Q. Don't you know whether or not the people living in that district are white or colored?—A. I don't know, sir; I don't know, sir.

Q. Can't you see from their faces?—A. I could see a good many men that they have white faces, and a good many black faces; but I don't know them.

Q. I am not asking you whether you know them or not, but I am simply asking you whether there are not more white than colored men living in that district?—A. I cannot tell, sir.

Q. Even by looking at them?—A. No, sir.

Signature waived.

30 JOSEPH BELL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, Mr. Bell?—Answer. Joseph Bell.

Q. Where do you reside?

(Mr. Donovan, counsel for the contestee, objects to the introduction of the witness at this point, from the fact that it is admitted that the contestant is not through with the witnesses named in his first notice.)

By Mr. POLLARD:

Q. Where do you reside?—A. 1713 North Main.

Q. How long have you lived there?—A. About thirteen years.

Q. That same place?—A. Yes, sir.

31 Q. How old are you?—A. I am going on forty-two.

Q. Where were you born and raised?—A. Pittsburgh.

Q. Pittsburgh, Pennsylvania?—A. Yes, sir.

Q. Have you ever lived out of the United States?—A. No, sir.

Q. You are a colored man?—A. Yes, sir.

Q. Were you registered to vote last election day in this city?—A. I was, sir.

Q. About how long before the election did you register?—A. Well, I can't tell about how long. I guess it was about three or four weeks.

Q. Somewhere in the fall?—A. Yes, sir.

Q. When you registered they gave you a ticket to vote?—A. Yes, sir.

Q. Your precinct was marked on that ticket?—A. Thirty-nine.

32 Q. Did you present yourself at precinct thirty-nine to vote?—A. Yes, sir.

Q. Did you hand in your vote?—A. Yes, sir.

Q. Do you know whether or not it was received or counted?—A. No, sir; I do not.

Q. Have you since learned that it was not counted by the judges, but given to the United States supervisor, who returned it to the chief supervisor?

(Mr. Donovan, counsel for the contestee, objects to the question for the reason that the record is the best evidence, and for the further reason that the supervisor testified on yesterday that his record was in exact conformity with the report of the judges of that election.)

(Question withdrawn.)

By Mr. POLLARD:

33 Q. Will you state whether or not your vote was received and counted, to your knowledge?—A. Well, it was received; I don't know whether it was counted or not, sir.

Q. Who received it?—A. The judge in the stand.

Q. How long were you at the polls?—A. I was there about an hour, I guess.

Q. What, if any, trouble or cursing, or profane language, or threats did you hear while you were there?—A. I didn't hear none, sir.

Q. What time were you there?—A. I was there about half past 8 in the morning.

Q. Who did you vote for for Congress on that day, Sessinghaus, Frost?—A. Sessinghaus.

Q. His name was on the ticket?—A. Yes, sir.

Q. You are a Republican?—A. Yes, sir.

34 Cross-examination by Mr. DONOVAN, counsel for conteste

Q. You don't know whether or not your vote was counted?—A. No, sir.

Q. It was received, though, by the judges?—A. Yes, sir.

Q. And you were not told that you were not entitled to vote by them?—A. No, sir.

Signature waived.

35 NICHOLAS SCHAEFTLER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

• Direct examination by Mr. POLLARD:

Question. What is your name, sir?—Answer. Nicholas Schaeftler.

Q. How long have you lived in the city?—A. About twenty-seven years.

Q. How old are you?—A. Forty-five.

Q. What part of the city do you live in?—A. 2309 North Ninth street.

Q. Were you at polling precinct number thirty-nine on the day last election?—A. I had my dinner coming home, and I took a walk toward the poll, when I passed by precinct thirty-nine, on the west side, first; then I went over to the east side and saw there a crowd 36 and a row; so I followed the row, up towards the street—but the street ain't macadamized yet, and it being about fifty feet from the sidewalk down to the street—

Q. How far from the polls was that?—A. The poll was the second lot from the corner; the saloon was on the corner, and the next lot was the poll; and I followed up this row, and finally one fellow struck a young man about twenty-two or twenty-three years ago; seems to me to be a German. I don't know the name of the party or who it was, but I went up in the fight, when that young fellow hit me a crack. I asked what he had done that for, and one fellow shouted I have a revolver in my pocket. Officer Collins stood about five or six paces from me, and he came over to me and 37 stripped me down, and I said I have no revolver. Then said one fellow, "I will see that you Republicans ain't got no shot here;" and another fellow says, "You better get out of this; this is hard crowd;" and I said no more, but I went up towards the sidewalk and went away. I went up and talked to Sergeant Lindsay, and said that is the way they do. That is all I know about it, sir. I didn't interfere with anybody else, about tickets or anything of that kind. only took a walk from home towards town that day after dinner.

Q. State whether or not you heard any one asking the police to arrest this man that hit this young German.—A. I hardly seen anybody. only seen the fight just as I came across the street and moved toward them. I was going along with the crowd.

38 Q. And heard nobody demand the arrest of this fellow that hit this young German—you heard nobody ask the policeman arrest this man that hit the young German?—A. No, sir.

Q. Did you know any of the people there in that crowd?—A. I know a good many, but not in that same crowd, that came down there.

went over to the side where the row was, and got hit; then I went away. Lots of them knowed me there. I used to be down on Main street for nine years, and in 1866 I moved up where I live now.

Cross-examination by Mr. DONOVAN, counsel for contestee:

39 Q. You visited the polls what time in the evening?—A. It was not in the evening; it was about five or ten or fifteen minutes past one in the afternoon.

Q. Do you know the name of this gentleman that was hit?—A. I didn't. I don't know either of the parties.

Q. Were you present here when he detailed the particulars of this trouble yesterday?—A. I was not. I came there just when the voting commenced, when I went down there, seeing it was none of my business. I was just walking past there; that is all. I didn't have any ballots, or anything of that kind there.

Q. You passed along and saw a street quarrel?—A. That is all.

Q. You don't know whether there was any provocation for it or not?—A. No, sir; only that Officer Collins stood there just a few steps off.

Q. Do you know whether or not it had anything to do with the election?—A. I had nothing to do with the election.

Q. Do you know how far away it was from the poll?—A. It was from the poll, well, right across the street; may be twenty-five feet from the poll; from the side-walk down to the street is fifty or fifty-five feet.

Q. Away from the poll?—A. That is, it stands between.

Q. It is on the street which the poll was not on—the voting poll?—A. First comes the saloon, and then comes the poll.

Q. It is around the corner?—A. It was around the corner.

Q. Away from the polls?—A. About seventy-five feet from the 41 poll. There is the poll (indicating) and right around here, down this street, was where the row was.

Q. On another street from which the poll was on?—A. It was on Hempstead street. I followed part of the crowd there; that is all I know.

Q. From where the quarrel was, you couldn't see the poll?—A. The quarrel moved from the poll—the quarrel moved from the polls south, and then over on Hempstead street—Hempstead street runs from west to east toward that street. Because, as far as I know or heard since, that party that they hit was living down Main street.

Q. Did you see the first part of this disturbance?—A. I just moved along as it come.

42 Q. Were you coming down the street that the poll is on?—A. I come from the west side of the street; the poll is on the east side, on Broadway, and I come down Hempstead street, and crossed over to the moving crowd, and saw what they were doing; and I went into the crowd to make peace; that is all; and, if I aint mistaken, that gentlemen, there, Mr. McClellan, the Republican central committeeman, stood on the sidewalk.

Q. But, I understand you to say that you were coming down the street on which the poll is where you first saw the commotion?—A. Yes, sir; on the west side.

Q. How far was that from the poll that this commotion was?

WITNESS. This fussing going on?

COUNSEL. Yes.

43 A. It moved from the polls south, and then went down that street about fifty feet.

Q. But the gentleman himself, who is a Democrat, and who was struck, says it didn't occur until he got half a block away from the poll
 —A. Well, something near that; half a block.

Q. It was not immediately at the poll?—A. No, sir; it was not; i was from the corner—around the corner—and it was about fifty or fifty five feet from the side-walk; that is where they was; that is where he got struck; and I went there to make peace, and when I made peace somebody hit me in the neck. I don't know the gentleman, if he was here, who hit me.

Q. Do you know whether he was a Republican or a Democrat?—A. I did not interfere with the polities.

Q. Nor don't know anything about the circumstances of this row?—A. No, sir; nothing at all in that light; only I went to make peace, and when I wanted to make peace he hit me, and I asked him why he hit me for. One of the parties shouted, "He has got a revolver in his pocket," which I never carried in my life. Then Officer Collins stripped me down and says, "He has not got any." This gentleman that hit me says, "I will show you Republicans that you ain't go no show here to vote." There was from forty to fifty, maybe sixty, men in that crowd, and they says, "You had better leave." They said

"This is a hard crowd; you better leave," and then I went away
 45 I was just going down to my business place, and I ran across this row, and I moved along to see what was going on.

Q. And took a hand in the quarrel?—A. That is all. What the politics was, or what was the matter with the young man, I didn't inquire I took what I got in the neck and said no more about it.

Q. You didn't know any of the parties?—A. No, sir; not that time

Q. Nobody was seriously hurt?—A. No, no.

Q. Only one man was hit?—A. That man what I saw; that is all, so far as I know, from the time that I was there.

Q. How long did the whole thing last?—A. I didn't stay there
 46 I went up the street a piece then.

Q. How long did this thing last that you speak of?—A. O about three or four minutes. I didn't stay there very long.

Q. And that is all that you saw?—A. Yes, sir; that is all that I saw

Q. You didn't have to be a peacemaker in any other row in that district?—A. No, sir. I just happened to come there; that is all. I didn't know there was any poll there that day; I just come along and dropped over and saw the fuss, and wanted to make peace.

Q. We know your intentions were good. We often pass along the street and see disturbances, and even at times when no election is pending.—A. Yes, sir.

47 Q. And you performed these good offices?—A. Yes, sir.

Q. And that was all that you were endeavoring to do?—A I generally make peace in crowds. I kept a saloon for myself, and I run it for about fifteen years for myself, and for about ten years I was a barkeeper myself.

Q. Well, you were simply doing your duty as a law-abiding citizen to prevent quarreling between people?—A. Yes, sir.

By Mr. POLLARD:

Q. I wan't to ask you one more question, which I omitted. Where was this crowd of men that were making this disturbance when you first saw them; how far away from the polls?—A. These parties
 48 that were struck were retreating there so far as I saw; they were retreating down that street.

Q. How far from the polls were they when you met them?—A. From the sidewalk it was fifty or fifty-five feet.

Q. When you first saw them?—A. No; when I saw it they were moving down toward it.

Q. What I want to know is, when you first noticed this crowd, how far were they from the polls?—A. They were at the polls first.

Q. Right at the polls?—A. Then they come up and moved further down the street, and that is the reason I followed at that time to see what was going on.

By Mr. DONOVAN:

Q. But the man himself stated that he walked away from the 49 polls, and when he had got the distance of about half a block then somebody came up to him and wanted to quarrel with him.

Mr. METCALFE. That is no question. That is simply a statement of counsel.

By Mr. DONOVAN:

Q. Is it likely that he stated the facts, inasmuch as he was the person that got the tap on the mouth?—A. It is a young man that I said before, about twenty-two or twenty-three years of age, in my judgment; I did not know neither party. I don't know him.

Q. But is it likely that he knew best himself as to when this crowd came to him, if there was any crowd?—A. Well, they moved, as I said before, down from the polls and followed him up; as far as I could 50 see they followed him up, and when this man struck him, he says, "I don't want no fuss."

Q. When you first observed them, how far were you to the east or west of the polls?—A. I just saw the crowd moving from the sidewalk down, when I come over and walked west, and I followed the crowd right down to that spot where that man hit that young man.

Q. How far were you west of the poll when you first observed that there was any commotion?—A. Only across the street.

Q. And the striking of anybody occurred around the corner away from the polls?—A. About fifty-five feet, in that neighborhood, from the sidewalk east.

Q. And around the corner?—A. And around the corner.

Signature waived.

51 SANDFORD ASHBY, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. Sandford Ashby.

Q. Where do you live?—A. 1717 North Main.

(Mr. Donovan, counsel for the contestee, makes the same objection to this witness as has previously been made in regard to the introduction and examination of this witness before the examination of all the witnesses named under the first notice has been concluded.)

Q. Where did you live on the day of the last election, second day of last November?

WITNESS. Last election?

52 Q. Where did you live last November during the time of the election?

WITNESS. This last election?

COUNSEL. Yes.

A. 1717.

Q. Same place?—A. Yes, sir.

Q. How long had you been living there?—A. I had been living a year and seven months.

Q. Same place?—A. Same place; yes, sir.

Q. How old are you, Ashby?—A. I am about twenty-six years old.

Q. Where were you born?—A. I was born in Kentucky.

Q. Have you ever lived in any other State than Kentucky?—A. Sir?

Q. Have you ever lived in any other State except Kentucky, Missouri?—A. No, sir; only steamboating part of the time here and New Orleans.

53 Q. Never have lived out of the United States?—A.

Q. You are a colored man?—A. Yes, sir; I guess so like it.

Q. Did you register this last fall?—A. I was transferred.

Q. When; how long before the election?—A. Three weeks over two weeks.

Q. Did you get a paper-ticket?—A. Yes, sir.

Q. Which told you where to vote?—A. Yes, sir.

Q. Where did it tell you to vote?—A. Fourth ward; this precinct.

Q. Did you go to that place to vote?—A. Yes, sir.

Q. You went up there to vote?—A. Yes, sir.

54 Q. Did you have a ticket?—A. Yes, sir; I had my ticket.

Q. Who were you going to vote for for Congressman Sessinghaus or Frost?—A. Sessinghaus.

Q. Did you offer to vote on that day?—A. Yes, sir.

Q. Did you offer your vote to the judges of election?—A.

Q. Was your vote received on that day?—A. No, sir.

Q. Why not?—A. Well, somebody objected to my vote being in the ballot-box, and told me it was challenged; I handed in my transportation ticket first; I had my ballot in my hand.

Q. Your transfer ticket, you mean?—A. I handed in my first; yes, sir; he says to this young man, he says if my name is on the books.

55 Q. What did they say then?—A. He told him it wasn't on the books.

Q. The judge himself said it was on it?—A. Yes, sir; he said I hadn't been here long enough; I wasn't long enough to be registered.

Q. How long have you lived in Missouri?—A. I have lived four years; little over four years.

Q. Then they refused to receive your vote?—A. Yes, sir.

Q. And didn't receive it?—A. No, sir; then I was scared to go back.

Q. What was the matter?—A. Well, there was so much cursing and swearing around there.

Q. After that?—A. Three times after that.

56 Q. What was the cursing and swearing about?—A. Well, d—n nigger shouldn't vote there. But I saw one young nigger going back there so often, so I went there four times; I couldn't go near enough; I was scared to go near.

Q. Were there a good many white men around there?—A. There were plenty of them when I went there. When I went there the first time they said, "That nigger has been up here three times," the third time they challenged my vote.

Q. What time in the day was that when you first went there?—A. Little after 6 o'clock in the morning.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. Without being asked you have volunteered the statement that there was plenty of cursing going on there.—A. Yes, sir; there was plenty of cursing.

Q. Why did you volunteer that statement without being asked the question?

Mr. POLLARD. We object to the question as being unjust and an improper method of examining, because the witness has answered a question I asked him about the cursing and threats that were made.

Mr. DONOVAN. I appeal to the record that the counsel for the contestant never asked this witness anything about threats, or intimidation, or cursing, but the witness here volunteered the statement before he was first asked in regard to the matter.

Q. Why did you speak of cursing at that poll before the counsel asked you anything in regard to it?—A. Well, I was scared; that is the reason I speak.

58 Q. Scared here or at the polls?—A. Scared at the polls when I went to vote.

Q. When did this cursing take place, at the first, second, third, or fourth time that you attempted to vote?—A. All the time when I went there; I went there about half-past six o'clock; the first time it was not so bad as the third time.

Q. How many people were cursing?—A. Well, I couldn't tell you that; they was all cursing; all were cursing; all the white ones.

Q. They amused themselves by keeping up a continual strain of profanity?—A. I don't know nothing about that, sir; I went there to vote, and I seed so much fussing and "cussing" I didn't take any time to hear what they was doing; I knewed I went there to vote.

59 Q. Well, about how many men were cursing?—A. I do not know, sir; all of them.

Q. How many were there cursing?—A. I couldn't tell that.

Q. About how many?—A. I didn't have time to see them.

Q. You didn't pay much attention to them?—A. I paid attention to this "cussing."

Q. There was a row of men standing on the curb-stone, all amusing themselves with invoking the name of God?—A. Well, they were on the curb there and along the street, too.

Q. Do you know whether they were praying or cursing?—A. I know they was "cussing."

Q. Kept it right up from the curb-stone—all cursing?—A. They kept on while I was there.

Q. Every man cursing?—A. They must have been cussing at 60 we colored people that went there to vote.

Q. Were they talking among themselves?—A. They told me that no d—n nigger should vote there.

Q. How many told you that?—A. One told me; and there was plenty more of them besides him.

Q. But you went there three or four times all the same?—A. I went there four times.

Q. To the same poll?—A. Yes, sir; I did.

Q. You didn't pay much attention to their cursing?—A. Yes, sir; I did.

Q. What effect did it have on you?—A. Well, it had a scarey effect on me.

Q. But notwithstanding you revisited the poll just as often as you saw it?—A. Well, I tried to vote.

- Q. What length of time did you devote to that poll on that day ?
 61 —A. I don't know ; sometimes five minutes ; I was off and on there from five to ten minutes.
- Q. When was your first visit to the polls ?—A. About half-past six.
 Q. How long did you remain there ?—A. Half an hour; not hardly half an hour.
 Q. What was your second—when was your second visit to the poll ?—A. About half an hour.
 Q. When was your third visit to the poll ?—A. About an hour.
 Q. How long did you remain at that poll the second and third time ?—A. Half an hour.
 Q. You remained a half hour the second time and a half hour the third time ?—A. Yes, sir.
- 62 Q. How long did you remain the fourth time ?—A. About three-quarters of an hour, or may be a little more.
 Q. Were you engaged at any business on that day ?—A. Yes, sir.
 Q. What was it ?—A. I works on the New Orleans wharf-boat.
 Q. Were you given permission to leave your employment ?—A. No, sir.
 Q. How did you come, then, to spend all this time at the polls ?—A. Well, I knowed it was election day.
 Q. Were you being paid for the time that you were spending at the polls ?—A. No, sir.
 Q. Were you being paid by the wharf-boat during your absence ?—A. No, sir ; no, sir.
- 63 Q. How were you then employed by this boat company ?
 (After an interval of waiting on the part of the witness, the notary reads and explains the question to the witness.)
 A. I was hired by the day.
 Q. Were you hired for that day ?—A. No, sir.
 Q. Then you were not engaged at any time on that day ?—A. No, sir
 I didn't want to work on that day.
 Q. Who induced you not to work on that day ?—A. Myself.
 Q. Anybody request you to devote this time to the poll ?—A. No, sir.
 Q. Did you receive any money for going to that poll ?—A. No, sir.
 Q. Anybody offer you any ?—A. No, sir.
 Q. Do you expect any ?—A. No, sir.
 Q. Nobody approached you to induce you to leave your busi-
 64 ness to go to the polls three or four times after you had been tol-
 the first or second time that your vote was not a proper one ?—A.
 I don't understand it.
 (Notary reads and explains the question to the witness.)
 A. Nobody but myself.
 Q. Do you know Mr. Sessinghaus ?—A. I don't understand you.
 Q. Do you know Mr. Sessinghaus ?—A. I know I voted for Mr. Se-
 singhaus.
- By Mr. POLLARD :
- Q. Are you acquainted with him ?—A. No, sir.
- By Mr. DONOVAN :
- Q. What is your business on the river ?—A. I was steamboatin-
 some time ; I works for the New Orleans wharf-boat now regularly.
 Q. What was your business prior to the election ?—A. Wharf-boat—
 Q. How long were you engaged before the election ?—A.
 65 works by the day.

Q. Are you a roustabout?—A. I have been.

Q. When did you cease to be a roustabout?—A. I was working on the wharf-boat three or four years; little over three years.

Q. That is, off and on?—A. All the time straight along, only when this ice is on, the way it is on now.

Q. Have you never been a rooster inside of the three years?—A. No, sir.

Q. Where did you live before you went to 1717 North Main?—A. I lived at Mr. Schuler's on Broadway; on the corner of Florida and Broadway.

Q. What is Mr. Schuler's business?—A. He keeps a livery stable.

Q. Do you work with him?—A. No, sir.

66 Q. Just live with him?—A. I used to rent from him.

Q. Rented from him?—A. Yes, sir.

Q. Did you work in his stable?—A. No, sir.

Q. How many days in the last three or four years have you had steady employment?—A. Over four years.

Q. Work every day?—A. Work every day, if boats come and when it was not cold weather; when it was not winter.

Q. Now, you changed your place of residence?—A. Sir?

(Question read.)

A. I don't understand you.

(Notary explains the question to the witness.)

A. I changed from on Broadway, on the corner of Broadway and Florida, where Mr. Schuler lives, to where I am now living, on North Maui, 1717.

67 Q. Have you changed your place of residence frequently?—A. No, sir.

Q. Who induced you to make the transfer at the office of the recorder of voters?—A. I don't know who did.

Q. Anybody you knew?—A. No, sir.

Q.—come to you and desire you to do so?—A. No, sir.

Q. Somebody came to you, but didn't express any desire that you would see to your proper registration?—A. No, sir.

Q. Well, who was this party that came to you?—A. Nobody.

Q. I thought you stated that somebody came to you, but you didn't know him?—A. No, sir.

Mr. POLLARD. He didn't say that.

By Mr. DONOVAN:

Q. Did you, by yourself, go to the register's office and make this transfer?—A. I went myself.

68 Q. In company with anybody?—A. No, sir.

Q. Can you read?—A. No, sir.

Q. Could you read the ticket that you held in your hand?—A. No, sir.

Q. How do you know, then, that the name of Mr. Sessinghaus was on the ticket that you offered?—A. I found that out myself.

Q. From whom?—A. I kept a going until I found the office myself.

Q. I didn't ask you about the office; I was asking you about the name. Who told you that the name of Sessinghaus was on that ticket?—A. Well, I got a guy into it until I found it myself.

69 Q. But, you say you cannot read, and didn't know what was printed on the ticket that you held in your hand, but that you found the name of Sessinghaus was on it how did you find it?

WITNESS. What, my transfer ticket?

COUNSEL. No; the ticket that you held in your hand, and which you offered at the window to the judge.

A. I know that was a good straight Republican ticket.

Q. How do you know that?—A. I know it.

Q. I ask you again, how do you know it?—A. Well, Mr. Knapper, I know, is a colored man, and he gave me a Republican ticket.

Q. And you now come to answer the question that I have been trying to get from you; information that I have been trying to get from you for some time; and it appears that Mr. Knapper handed you a ticket. Is that your answer or not?—A. Sir?

70 Q. Do you answer "yes, sir," to my last question?—A. I said Mr. Knapper gave me a ticket.

Q. Why didn't you state that at first?—A. I did say so the last time I spoke to you.

Q. Yes, you did; but I have been asking you numerous questions in regard to it. Why did you hesitate to state that Mr. Knapper gave you a ticket?—A. I don't understand.

(Question explained by the notary.)

A. Because I know it was a straight Republican ticket.

(Question again repeated by the notary.)

A. I had to study.

Q. "I had to study." What do you mean by that?—A. You know a man can't think of everything right off.

71 Q. How long have you known Mr. Knapper?—A. I don't know him, only just by sight, sir; I don't know him.

Q. How do you know he is a Republican?—A. I know he wouldn't have given me a ticket if he didn't vote Republican. There is no colored man would give a colored man any ticket unless he was a Republican.

Q. So you have confidence in any ticket that a colored man would give you, that that ticket would be a ticket such as you would like to vote?—A. I don't think he would give me any other than a good straight Republican ticket.

Q. Why do you not say that of any other man?—A. Because, why, he is a colored man like myself.

Q. Aint there some colored Democrats?

72 Mr. POLLARD. We object to this line of examination, because it is palpable for the consumption of time that these frivolous questions are put.

Mr. DONOVAN. We object to this interruption because it is quite palpable that this is a thoroughly drilled witness, brought up here for a purpose well known to the contestant.

(To the witness.) You never knew Mr. Knapper before you met him at the polls?—A. I have seen him but I don't know him. I have seen him passing by. I don't know anything about him. I only know him by seeing him pass.

Q. And you couldn't read the ticket he handed you?—A. Well, I didn't read it. I know it was a good Republican ticket.

73 Q. You don't know whether it was a Chronicle ticket or a straight Republican ticket?—A. I know it was a straight Republican ticket.

Q. Although you couldn't read it?—A. I didn't read it.

Q. And couldn't?—A. No, sir.

Q. Did you speak to anybody about the testimony that you were to give in this cause?—A. No, sir.

Q. To nobody?—A. No, sir.

Q. Nobody whatsoever?—A. No, sir.

Q. Were you here yesterday?—A. Yes, sir.

Q. Were you in, what I must term, the drill-room?—A. Yes, sir.

Q. You were there with the other colored witnesses?—A. Well, I don't know whether they was witnesses what I was along with.

74 Q. Were there a number of them?—A. I don't know exactly how many there was; I didn't count them.

Q. You didn't speak to anybody in there about the character of the testimony that you were to give here?—A. No, sir.

Q. Nobody knew anything about that?—A. Well, I don't know; I didn't know myself.

Q. Well, you never told anybody?—A. I didn't know anything to tell anybody, except to myself.

Q. Was your ballot given back to you?—A. Yes, sir.

Q. By whom?—A. By the judge.

Q. Did he, or did he not, state that he didn't know you; couldn't identify you?—A. He didn't know my name was on the books; no, sir, he didn't say that.

75 Q. What did he say to you?—A. That I couldn't vote.

Q. Is that all?—A. No, sir; that aint all.

Q. Well, what else did he state to you?—A. Well, he talked to somebody way back in the house, and asked him if my name was there; he says my name is there, but I couldn't vote; I aint been there long enough.

Q. Did he state that he didn't know that you were the party that you represented yourself to be?—A. I didn't represent myself to be a party. I went there to vote.

Q. Did he state that he couldn't identify you as Sandford Ashby?—A. No, sir; I didn't hear anything about that. He didn't inquire nothing about my name. He seed my name on the book; my name 76 was on the book, Sandford Ashby.

Q. Well, did he know you to be Sandford Ashby?—A. I know my name to be Sandford Ashby. He was the one that told me my name was on the book.

Q. Did he know that you were Sandford Ashby?—A. I don't know; but my name was there.

Q. You don't know whether he knew you to be Sandford Ashby or not?—A. I don't know. I know my name was given on the book.

Q. Yes; but did he know you to be that party?—A. I don't know, sir.

Q. When your ballot was presented the judges talked about it?—A. They said I couldn't vote, and I handed in my transportation, and 77 he asked back was my name there; and the man there says, "Yes, your name is here; but you aint been here long enough to vote."

Q. This was said when you came there the first time?—A. Yes, sir; it was the first time.

Q. What did they say to you when you came there the second time?—A. The same thing.

Q. And the third time?—A. They told me not to come there any more; that was the third time—no d——n nigger couldn't vote there, and I mustn't come there any more.

Q. That is volunteered again. But, notwithstanding, you came back the fourth time?—A. I came back the fourth time, and that time I was going away. I was scared to go again.

78 Q. Were you employed by anybody on that day to clog up the

line of voters so as to prevent Democrats from casting their ballots?—
A. No, sir; I was employed by nobody.

Q. What was your object in revisiting that poll after you had been told the action that the judges had taken upon your name?—A. Well, I wanted to vote; I wanted to put my ticket in; I wanted to vote.

Q. But didn't you delay the parties all standing in line?—A. Yes, sir; I stood in a little line, not much; there was but two men ahead when I went the second time.

Q. But each time that you stepped into that line you delayed people from voting?—A. I don't know whether I delayed them long or not.

79 Q. You delayed them after knowing what action had been positively taken on your ballot?—A. I didn't delay nobody.

Q. You must have delayed somebody if you stood in line there and took up the time of the judges, and thus prevented the casting of the ballots, did you not?

Mr. POLLARD. We object to this question, and to this line of examination, because it is a repetition of a question heretofore asked; and, because further, it is the evident desire of the counsel to consume time.)

A. Not more than two or three times.

By Mr. DONOVAN:

Q. Do you or do you not know that there is a large Democratic vote at that poll?—A. I don't know, sir.

80 Q. And you now state that you were not hurt by anybody while performing that work of delaying voters?—A. No, sir.

Q. And preventing a full cast of ballots?—A. I don't understand that.

(Question explained by the notary.)

A. No, sir; no, sir; I went to vote for myself.

Signature waived.

81 ARNOLD BECK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination, by Mr. POLLARD:

Question. What is your name, sir?—Answer. Arnold Beck.

Q. Where do you reside?—A. 1428 Benton street—southeast corner.

(Mr. Donovan, counsel for the contestee, renews the objection heretofore made as to informality of notice.)

By Mr. POLLARD:

Q. What is your business, Mr. Beck?—A. Grocery.

Q. How long have you resided in the city?—A. In Saint Louis, about thirty-four years or thirty-five years.

Q. That is just about as long as you have lived anywhere?—A. Yes, sir; I believe so.

82 Q. Where were you on last election day?—A. Well, I was over in the Fourteenth ward, and the Fourth also—a little in both; and some in the Twelfth as well.

Q. Were you at thirty-ninth precinct that day?—A. I was.

Q. What time in the day?—A. To the best of my recollection, it was between half past eleven and half past twelve. I couldn't say the exact time.

Q. How long were you there?—A. I was there about three-quarters of an hour; it may have been an hour; I couldn't say positively that it was an hour; but it was three-quarters of an hour, anyhow.

Q. What was the condition of the people assembled there that day

with regard to their quietness or tumultuousness?—A. It was a very boisterous condition.

83 Q. Were there many there, or a few?—A. There was a great many.

Q. Are you acquainted in that precinct?—A. I am not; I know that neighborhood, but that is all.

Q. Is that a Democratic or Republican neighborhood?—A. Well, from what I saw there I judge it was a pretty strong Democratic neighborhood, from what I saw there.

Q. You know, do you or do you not, whether it is a Democratic or a Republican precinct?—A. Well, I think it is a Democratic precinct.

Q. What were these men saying there that were tumultuous? What were they saying? What were they doing?—A. When I got there I drove up in a buggy from Broadway and Biddle; and when I

84 come up to the poll I saw a terrible crowd there. I got out of the the buggy, and while I was standing there there was a crowd rushing a young man away from the poll. They made threats to arrest him; or they would lick him if he didn't leave; that he couldn't come to vouch for any d—n nigger; that he either was no citizen, or that he was too young; and that he had no business there. They run him away from the polls around the corner towards this foundery there right below, and the whole mob followed him up; and when he wanted to leave one of them says, "Better arrest him anyhow;" and while he

made that statement a man struck him. He was rather a low-sized man. I have seen him, but I don't know his name. And while he struck him a man by the name of Schellhammer, who keeps a saloon right below—he was returning from a walk, I presume, and he went over, and the whole crowd jumped on him, and as he tried to speak he got a lick in the head. I hallooed to the policeman that was standing there, and I said, "Arrest him, police officer." Somebody hallooed out, "Search him; he has got a revolver." With that Mr. Schellhammer threw up his hands and said, "I don't carry anything of that kind; you can search me."

Q. What other acts, if any, of intimidation did you see?

(Mr. Donovan, counsel for the contestee, objects to the question, for the reason that the witness has not described this as an act intimidating any voter from casting his ballot, because this very gentleman who was struck said he had already cast his ballot, and had left the poll.)

A. Well, the acts that I saw after I stood there was a couple of gentlemen, one of them remarked to Johnny Cooney, that that man come up there to vouch for this negro, and they wouldn't allow him to vouch for anybody.—

(Mr. Donovan, counsel for the contestee, objects further to placing in this record what other people remarked in regard to this little difficulty.)

WITNESS. And he said that he didn't believe the man was a citizen.

The man turned around and says, "I am a citizen, I can prove it, 87 I hav ebeen long enough here, I have known this man for twelve or thirteen months; the man asked me to vouch for him, and I undertook to do so, and I was not permitted by you."

Q. What was the character, judging from their appearance, of these men?

(Mr. Donovan, counsel for the contestee, objects to the counsel for the contestant going into the realms of fancy.)

A. Well, the character was, I should judge, that they were there for

the purpose of crowding up the polls, and to scare people; because I saw two men come right up, and as they come up to vote, the poll was so crowded they couldn't by any force put in their ticket—could not have forced themselves to the poll.

88 Q. Who were these two men, white or black?—A. They were white men.

Q. What were their politics?—A. That I don't know, I couldn't tell you; they were strangers to me, but I know they didn't get to the polls; they didn't get there while I stood there, but I don't know their politics.

Q. Were they Americans or Germans, if you know?—A. One looked to be an American, and the other was a German, I heard him speak, and he spoke broken; and one spoke like an American, he looked so to me, too.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What was your relation to the Republican party?—A. I 89 have belonged to the central committee in the Fourteenth ward.

Q. You visited many polls during that day?—A. Yes, sir; I drove around to a good many polls.

Q. Is this the only poll that you visited that you saw crowding?—A. Oh, no; I saw one poll on Broadway and Biddle street.

Q. That was also crowded?—A. Right around the corner that poll was crowded. Me and Potthoff, and some others, we were standing together there, when a man came that lived in the Whittier buildings that wanted to vote.

Q. And he couldn't get there?—A. The man said that he had been hit on the top of the head, and said he didn't vote. The man 90 held his papers; that is, held his citizen papers and his transfer in his hands.

Q. Yes, sir; now, do you know whether or not, as a matter of fact, it is customary for polls to be crowded on election day?—A. I do; yes, sir.

Q. As a Republican central committeeman you know that fact well?—A. I know that; yes, sir.

Q. Do you not know that many citizens, merchants and others, do not vote because the crowd is so great at the polls; because they have not the time to wait to cast their ballots?—A. Yes, sir; but the rule is that they shall not assemble right at the polls, and that rule was kept up at a great number of other polls; but at these two polls the 91 policemen did nothing, the crowd near the polls was so great, and when the policeman was asked to clear the place he told them to mind their own business. At Biddle street, I should judge, there was about one hundred and fifty.

Q. I am not asking you about that; I ask you whether or not there was a crowd at precinct thirty-nine?—A. At that precinct there was more when I was there—

Q. It has been given in testimony here that the largest number that was assembled there on that day was but thirty, and that testimony is given by men who remained there all the day; now, how do you reconcile your testimony when you say that there was more than one hundred at that poll under those circumstances?

92 (Mr. Pollard, counsel for the contestant, objects to the question, because it is not a fair statement of any evidence which has been given here, and because it is totally and wholly irrelevant.)

Mr. DONOVAN. And the counsel for the contestee again appeals to the record to prove the fact that he is correct.

A. At poll thirty-nine, when this difficulty occurred, I spoke to that gentleman there, Mr. McClellan; I didn't know him at the time; the crowd had followed this young man up; I counted fifty-seven that stood right in a bunch when they struck him; and when this German came up they all crowded around the corner. I saw them then,
93 and saw this young man standing out there alone—right up there—and they struck that man. There was a lot standing towards the wall, and some were standing across the street.

Q. So, in the midst of this excitement and commotion, you had that regard for the proper census that you stopped and counted fifty-seven people?—A. Yes, sir; I counted that crowd that was standing right there where that mob occurred and run him down the street.

Q. While other people were excited about this difficulty, you stood by and amused yourself with counting the number of people that was in the crowd?—A. No; I didn't amuse myself; I done it purposely.

Q. Did you ever do that before?—A. Yes, sir; I did.

Q. At any previous election?—A. I have.

94 Q. Why did you do that?—A. I just wanted to know for my own satisfaction.

Q. Is it a matter of any difference to you whether there is fifty-five in the crowd or fifty-seven?—A. Well, we generally—when I generally go around, I always like to satisfy myself what the crowds are at the polls.

Q. So you have been in the habit of counting the number of people that are assembled at a poll?—A. I have done it frequently.

Q. Any feasible purpose in that?—A. Simply to satisfy my own curiosity.

Q. And for nothing else?—A. No, sir.

Q. What was the number of the crowd at any other poll?—A. Well, there was—I saw good big crowds at most of the polls with the
95 exception of two polls that I passed two or three times; there I did not see a man.

Q. Did you count the number of men assembled there?—A. I counted one poll; the seventeenth; right opposite the Dodien school. I visited there about, I guess it was about two o'clock, and they had fully that number—over one hundred and fifty there.

Q. You counted them?—A. Yes, sir.

Q. You again indulged in this work of yours of counting the men at the polls?—A. Yes, sir; I counted the men there.

Q. Just as a matter of curiosity?—A. Yes, sir.

Q. Well, the crowds vary at polls during the day, do they not?—A. Yes, sir.

96 Q. Did you count them each time?—A. No; I did not.

Q. Now, you have stated in your narrative of this trivial difficulty at precinct thirty-nine that you heard it stated in the crowd that a young Democrat was hit—that he had gone to the poll to identify a voter and was not permitted so to do?—A. He stated right there; the man says that they told him "I want you to get away from here. I don't want you to stay around here any more, or I will have you arrested." He says, "I have come here as a citizen to identify a voter who asked me to come with him, and I come here to do that, but I was not permitted to do that."

97 Q. Now, if it turn out that that same young man testified here yesterday that he not only went to the poll, not only did attempt to identify the man, but was permitted to do so, how would you reconcile that with your recollection of a statement to the contrary made

by himself immediately after he had performed this act?—A. When I came up just on the corner when they rushed him away he was making that statement; what happened right at the door I don't know anything about; I didn't see that. I saw a crowd coming from there. Just as I stepped out of the buggy one of them says, "Where is the United States marshal to have him arrested?" He turned around and 98 says, "What for?" They said, "You have got to get away from here." He says, "I have come up here to identify a voter and you wouldn't permit me to do it."

Q. But if he testified that he was permitted to do so and did so, is it probable that he could make a statement to the contrary a few moments afterwards?

(Mr. Pollard, counsel for the contestant, objects to this method of examination as trivial, and as a palpable intimation of the gentleman's intention to consume the time of the contestant.)

A. I don't know anything about that. I can't say anything about that. I only state under oath what I heard. What the man testified to here I don't know anything about.

By Mr. DONOVAN:

Q. If what I tell you is true, then it is probable that your recollection of what passed at that difficulty is not fresh in your mind now?—A. Just what I heard there I can testify to. I cannot testify to anything more or anything less than what I heard; that is all. I can't testify to anything else. Who the man is, I don't know. I do not know that I ever saw him before.

Q. This boisterous conduct that you speak of occurred around the corner from the poll?—A. They come right around from the building—the street is not there made. The house is situated on the corner, the northeast corner, and they came right around; it goes down hill towards Main street, or rather Second street, and they followed the man right up.

Q. But the difficulty occurred right around the corner?—
100 Well, it might have been between 50 and 60 feet where this man was struck.

Q. From the corner?—A. From the corner.

Q. And away from the polls?—A. And away from the polls.

Q. They followed him down the street?—A. Yes, sir.

Q. Are you interested in this contest in any way?—A. No, sir; I not.

Q. Were you a resident of the district?—A. I am a resident.

Q. Of the third Congressional district?—A. The Fourteenth was yes, sir; I have been for thirty-four or thirty-five years.

Q. Who did you vote for at that election for Congress?—A. I voted for Sessinghaus.

101 Q. Did you have any bets on that election?—A. I did not.
Q. None?—A. No, sir.

Q. You are very anxious for the success of Mr. Sessinghaus in this contest?—A. Well, no; only when I vote for a man I like to see him elected. I voted for Frost the first time he run.

Q. But at this present time you were a member of the Republican central committee?—A. I was only a member of the Congressional committee.

Q. Mr. Sessinghaus's Congressional committee?—A. Yes, sir. I gave my first vote for Frost, and then I got him about two hundred votes.

Q. What wards did you have particular charge of as a member?

of Mr. Sessinghaus's Congressional committee?—A. The Fourteenth ward.

102 Q. The Fourteenth ward?—A. Only of the Fourteenth.

Q. You don't know anything at all in relation to these colored men that have been testifying here for a day or two?—A. No, sir; I do not.

Q. Did you employ colored men as canvassers?—A. I did one.

Q. In what precinct was that?—A. Well, in no particular precinct; that was near the fair grounds in the Fourteenth ward.

Q. Did you distribute the fund raised to carry that election in the interest of the Republican party?—A. I paid men that was at the polls; that is, those that I engaged.

Q. How much passed through your hands altogether?—A. That I can't tell.

103 Q. About how much?—A. Well, I haven't really any idea. I spent considerable of my own that I never kept any account of.

Q. About how much money passed through your hands?—A. It might have been one hundred and fifty dollars.

Q. Would that cover it all?—A. I don't think I paid much more.

Q. Well, how much did you pay, Mr. Beck?—A. I couldn't say; it might be more, it might be less; I didn't keep any account of it; I spent considerable out of my own pocket.

Q. How much did you receive from the Congressional committee?

Mr. POLLARD. It is in your own discretion. You can state it or not. A. I was allowed five dollars a man for several men that was there.

By Mr. DONOVAN:

104 Q. And you employed thirty?—A. I did not. I had to spend some for a couple of wagons.

Q. How many did you employ?—A. I think about sixteen; then there was the wagons, as I stated.

Q. Now, Mr. Beck, I am rather startled at a peculiarity of yours in regard to counting men at the polls; you state that you did this pending this quarrel?—A. I have often done that while they were all standing there.

Q. And while this trouble was going on?—A. While I was standing I talked a few words to Johnny Cooney; he was in the crowd; and then I got up on a little knoll and I looked over the crowd, and I 105 counted them; I saw that many standing in the crowd.

Q. You were counting these men and observing these facts that you are now detailing, at the same time?—A. There wasn't much trouble about that, counting those men.

Q. How many women were there in the crowd?—A. I don't know; I didn't count them.

Q. How many children?—A. I saw some children.

Q. About how many dogs?—A. I am not in the habit of counting dogs.

(Mr. Pollard, counsel for the contestant, objects to the line of testimony now elicited, on the ground that it is frivolous in the extreme.)

By Mr. POLLARD:

Q. Were you an officer in the Army during the war?—A. Yes, sir.

Q. What rank did you have?—A. Lieutenant-colonel.

106 Q. What regiment?—A. Second Infantry Missouri Volunteers.

Q. Were you in the service?—A. I was.

Q. Were you wounded?—A. Yes, sir; I was.

(Mr. Donovan, counsel for the contestee, objects to the redirect examination on the ground that the biography of the witness is not pertinent to this cause.)

Signature waived.

107 WILLIAM DONAN, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Q. Question. What is your name ?—A. Answer. William Donan.

Q. Where do you reside ?—A. On Second street.

Q. Whereabouts ?—A. Between Mound and Howard, corner of the alley.

By Mr. DONOVAN :

Q. Do you know the number ?—A. It is pretty nearly all rubbed out ; the folks that I rent from said it was 1712.

By Mr. POLLARD :

Q. Where did you live on last election day ?—A. Right there, south on Mound street.

Q. That is on Second between Mound and Howard ?—A. Yes, sir.

Q. Did you register ?—A. Yes, sir.

108 (Mr. Donovan, counsel for the contestee, objects to the question on the ground that the record itself is the best evidence.)

By Mr. POLLARD :

Q. When did you register ?—A. A little while before the election, I couldn't exactly say when it was.

Q. How long have you lived in this city ?—A. I have been living in the city of Saint Louis four summers with last summer.

Q. Four years ?—A. Yes, sir.

Q. How old are you ?—A. I am in my twenty-eighth year.

Q. Where were you born ?—A. In Kentucky.

Q. You are a colored man ?—A. Yes, sir.

Q. Have you ever lived in any State except Kentucky and the United States ?—A. No, sir; the fifth of this coming month I will be twenty-eight years old.

Q. Did you offer to vote on this election day ?—A. Yes, sir.

Q. What precinct ?—A. This side of the wire mill.

Q. Precinct thirty-nine ?—A. Yes, sir.

(Mr. Donovan, counsel for the contestee, objects to placing that in the mouth of the witness.)

(To the witness.) Do you know whether it was thirty-nine or not ?

Mr. POLLARD. You needn't answer that question for the present.

Q. You say that it was at precinct thirty-nine ?—A. That is what they give me on the card.

Q. Did you go to that precinct where you was to vote ?—A. Yes, sir.

Q. Who went with you ?—A. This clerk of Mr. Remmert's that worked for.

110 Q. What is his name ?—A. Henry Hartwig.

Q. He is the man that went with you ?—A. Yes, sir.

Q. Had you been there before ?—A. I had been there once before, in the forenoon.

Q. In the forenoon ?—A. Yes, sir.

Q. Did you vote in the forenoon ?—A. Not before I went with him. When I went there alone they wouldn't let me vote.

Q. Why not?—A. They said my name is all right, but I couldn't vote; one fellow says, "I challenge that vote;" then I came away.

Q. What reason did he give?—A. He said I hadn't been there long enough to vote.

Q. Did you, when you went the second time, have a ballot or ticket in your hand?—A. Yes, sir; I had it in my coat-pocket.

111 Q. Was it Republican or Democratic?—A. It was a Republican ticket.

Q. Whose name was on it for Congress, Mr. Sessinghaus or Mr. Frost?—A. Mr. Sessinghaus's name was on it.

Q. Did you offer your ballot there?—A. Yes, sir; yes, sir.

Q. Now, do you know whether that ballot was deposited in the box and counted?—A. I passed it into the window; that is all I know about it.

Q. Have you been informed since then that it was not received and counted, but was reported by the United States supervisor?

(Mr. Donovan, counsel for the contestee, objects to this hearsay evidence. The witness knows nothing about the fact; he says his ballot was received.)

By Mr. POLLARD:

112 Q. Have you been so told since then?—A. No, sir; they ain't no one told me that it was not counted.

Q. You didn't see it go into the ballot-box?—A. No, sir.

Q. Did you offer to pass in there at that window more than one ballot on that day?—A. No, sir.

Q. Only one?—A. No, sir; only the one.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What is your business?—A. Working at a grocery store.

Q. How long have you been engaged in that business?—A. Three years.

Q. Who was it that went with you to identify you at the polls?—A. Henry Hartwig.

113 Q. What did the judges say to you when you passed your ballot in and they received it?—A. They never said nothing to me when I was outside.

Q. They received your ballot as a proper legal voter?—A. I just handed it to them and walked away.

Q. Did not this gentleman remain with you and identify you?—A. When we went up there and went inside the store (polling station) my name was taken.

Q. You were a specially registered voter?—A. Yes, sir.

Q. You went into the judges' room?—A. Yes, sir; I went inside when he went in to swear me in.

Q. They made no objection to you when you cast your ballot that you were a colored man?—A. Not when I come outside; they never said anything to me.

114 Q. Did they do so inside?—A. No, sir; they never said anything to me inside.

Q. They treated you just the same as they would any other voter?—A. Yes, sir.

Q. Although you are colored?—A. Yes, sir.

Q. All that they required of you was that you should identify yourself as being William Donan?—A. Yes, sir.

Q. And that was the same for other colored voters in that district?

—A. Well, of course, they must have knowed them. They would speak for themselves.

Q. Was that the fact or not that they simply required that these men should be identified?—A. Well, I don't know anything about other men that was there.

115 Q. Can you read?—A. No, sir.

Q. Could you read the ticket that you voted?—A. I know the first name on there.

Q. What was the first name on there?—A. I know that the first name on the Republican ticket was Sessinghaus.

Q. Was that the first name on the ticket?—A. It was the first name, I reckon.

Q. Was not the name of James A. Garfield on the ticket?—A. I haven't paid no attention; Mr. Marquand gave me the ticket, and told me to put it in.

Q. Who is Mr. Marquand?—A. He lives on Ninth and Brooklyn, and has a grocery store there.

Q. Do you work for him?—A. No, not for Marquand.

116 Q. Is Mr. Marquand a Democrat or Republican?—A. Well, he told me to give—he is the gentleman that gave me this ticket and he wanted me to put it in. He must be a Republican or else he wouldn't ask me to put it in.

Q. Do you know whether he was a Republican or Democrat?—A. He said it was a Republican ticket and I took his word for it.

Q. You think Sessinghaus's name was on it, but you don't know the fact?—A. If it was on any Republican ticket it must have been on that one.

Q. Do you know whether it was a Chronicle ticket, or a Republican ticket?—A. He said it was a Republican ticket; that is all I know.

Q. When did he ask you to vote it?

WITNESS. Who?

117 COUNSEL. Mr. Marquand.

A. The second time that I went up to vote.

Q. Was he at the poll?—A. No, sir; he was not at the poll; I went across the street to him; he asked me if I had a ticket, and I told him "No, sir."

Q. How long have you known Mr. Marquand?—A. Ever since I began living here in the city.

Q. Do you live in his neighborhood?—A. I live on Second street; I lives on Ninth and Brooklyn.

Q. Do you deal at his store?—A. No, sir; I deal at the store where I work at.

Q. How often had you talked with Mr. Marquand?—A. Oh, well, I bought up my feed for the boss man's horse there.

Q. Did he ever tell you that he was a Republican?—A. He never told me that; only he gave me that ticket, and told me it was the ticket to put in.

118 Q. But he never told you that he was a Republican?—A. No, sir; he never told me.

Q. You never asked him either what sort of a ticket you wanted get?—A. He asked me what ticket I was going to vote; he asked me if I was going to vote; I told him I was going to try; he says, "Have you got anybody with you?" And I says, "Yes, a clerk from our store"; then he put this ticket in my hand and told me to put that ticket in Mr. Sessinghaus.

Q. You know Mr. Sessinghaus?—A. Yes; I know of him; I have bought flour there before now.

119 Q. Did you ask for a Sessinghaus ticket?—A. No, sir; he gave it to me; I took his word for it.

Q. Did you ask him for a ticket?—A. No, sir; I didn't ask him for the ticket, he just stated, "Here is a ticket for you to vote."

Q. And you don't know whether Sessinghaus's or Frost's name was on it?—A. I didn't open it when he gave it to me.

Q. You just had it folded together the way he gave it to you?—A. Yes, sir; I put it in my pocket when he gave it to me.

Q. And you never opened it?—A. No, sir; I never opened the ticket.

Q. You never saw anything of it but the white back of the ticket?—A. There was black letters on it I know.

120 Q. But what name was on that ticket you don't know?—A. No, sir; I didn't unfold it, I told you.

Q. Do you know Mr. Knapper?—A. Well; since he has been having that church on Main street he comes in the store pretty often.

Q. What interest has he taken in this election?—A. That is more than I can tell.

Q. Has he taken any interest?—A. I couldn't tell you that.

Q. Did you see him at the polls?—A. He says he saw me there, but I didn't see him.

Q. Who invited you to come here?

WITNESS. Who invited me to come here?

COUNSEL. Yes.

A. I don't know who the man was. He brought a subpoena in the store there one night, the second day of this month, and told me that I had to come down to this place. I took it and put it in my 121 drawer, and I told him I would be here. I don't know who he was. I didn't take that particular notice who he was, when they is a stranger to me.

Q. Don't you know who he was? Was he a colored man?—A. He looked like a white man; I took him to be white.

Q. Did you have any conversation with him?—A. No, sir; only he read that subpoena to me. I told him to give it to me, and I would be here; that was, to be at this office to-day.

Q. Is this the first morning that you came?—A. No, sir; I was here yesterday morning.

Q. Here all day?—A. Yes, sir.

Q. Were you in, what I must term, the drill room?—A. Yes; that

COUNSEL. This room around the hall there.

Q. A. I was in there a couple of times.

Q. How long were you there?—A. I don't know; I didn't keep time when it was.

Q. How many hours?—A. I couldn't tell you that neither.

Q. Did you inform anybody of the testimony that you were to give in this cause?—A. No, sir.

Q. Did you speak about it with the colored men that were present?—A. No, sir; because I wanted to know what I was here for myself!

Q. Didn't you inform anybody of the testimony that you were to give?—A. No, sir.

Q. Had no conversation with anybody whatsoever?—A. No, sir; not nothing about anything of this kind.

Q. Well, you had no conversation with anybody regarding the

testimony that you would give in this cause?—A. No, sir; because I didn't know what I was here for.

Q. You had no conversation with anybody at any time about the testimony that you were to give in this case.

WITNESS. Dinner time? No, sir; because I was walking at dinner time.

By Mr. POLLARD:

Q. Did you register at the city hall before you went to the poll?—A. Yes, sir.

Q. And you registered at the polls too?—A. Yes, sir; they swore me in there.

Q. And so you registered there?—A. They swore me in.

Q. Did you sign any book there at the polls?—A. No, sir; I didn't: he wrote my name, I guess.

124 Q. Did you touch a pen, or make a mark or anything, there at the polls?—A. Yes, sir; he had me to hold up my right hand and swear.

By Mr. DONOVAN:

Q. Then you registered both at the city hall and at the polls?—A. I don't know what they call registering; he didn't give me no ticket.

Q. But you signed your name there on the registration list, and you signed your name or made your mark both at the city hall and at the polling place?—A. Well, they took my name at both places.

(Signature waived.)

125 WILLIAM H. JONES, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. William H. Jones.

Q. Where do you reside?—A. 1422 North Seventh.

Q. How long have you lived in Saint Louis?—A. Well, I think it was the early part of 1860 that I came here.

Q. What is your business?—A. I am a printer.

Q. Where are you at work now?—A. Charles E. Ware.

Q. Were you at polling precinct thirty-nine on the day of last election?—A. Yes, sir.

126 Q. How often were you there?—A. I was there seven or eight times during the day.

Q. What portion of that day did you spend there?—A. I spent the greater portion of the day. I had a horse and buggy. I was visiting. I was between precincts thirty-seven, thirty eight, and thirty-nine, backwards and forwards; and the fiftieth precinct as well, on Seventh and Biddle. There are two or three others.

Q. What disturbance did you see at precinct thirty-nine, if any?

(Mr. Donovan, counsel for the contestee, objects to leading, because the witness has not stated anything of any disturbance whatsoever.)

A. I would like to tell the story in my own way. I suppose it was half past eight in the morning when I met Mr. Maddoll on Broad-

127 way and Biddle. He said there was likely to be trouble up at thirty-nine. I said I would go up, and I drove up there, and I noticed an immense crowd up there, and several colored men—

(Mr. Donovan, counsel for contestee, objects to all conversation had with Mr. Maddoll.)

WITNESS (continuing): I suppose about two hundred were there. There

was several colored men in the crowd. There was a man named Martin Kelly, Johnny Cooney, and Pat. Cahill ; and there was a marshal, and a man—I can't tell you his name—he was more boisterous.

By Mr. POLLARD :

Q. Were these men that you have mentioned colored men ?—A. No, sir ; they were not. They were all white men. They were there 128 challenging men that would come up there to vote ; and Kelly and Pat. Cahill made the remark that there was only one G—d d —d nigger that had a right to vote there, and that was the only one that could vote ; that no other negro s—n — — b—h should vote in that precinct.

By Mr. DONOVAN :

Q. They made that remark to you ?—A. They made it right there.

Q. That was the conversation with you ?—A. That conversation occurred, I said, where we sat in our buggy ; I drove down ; I got into me buggy ; I drove down, and met a man named Cain Rollins, on Broadway and Biddle; he was approaching me, and said they wouldn't let him vote up there ; I took him up in the buggy again, and when we got up 129 there to see if they wouldn't let him vote—he said he was registered, and I took him up—and when I got up there I stopped my buggy, I got a shout and a yell, and they said, "Here comes another G—d d—d Republican with a d—d nigger, and the d—d nigger shan't vote." So I paid no attention to the remark, but got out, and the colored man got in file and walked up and offered his ballot to a judge named McGinniss ; he was challenged, and they threatened to have him arrested ; then they wanted a reputable citizen to identify him or somebody to swear that they had known him as a resident of the city ; so I went and took him in my buggy again and went up to Twelfth and Carr streets to

get some of his old landlords, whom he had rented from, to come 130 down there to identify him ; but we couldn't find the parties, and

I left him there. I told him when he got his friends, or whomever he could get to identify him, to call for any buggy or wagon or carriage that had the Republican sign on it and tell them to drive him back to polls No. 39 ; then I left him there to look for some of his Republican acquaintances ; I went down again and drove up to thirty-ninth precinct and Read, P. A. Read, a colored barber, that lives up in that neighborhood, was at the polls, and says, "Mr. Jones, will you allow me to take your horse and buggy with this man to get a man to identify him ;" "this man," was a man named Windom ; and they got into 131 the buggy and drove down town. I waited there some time, and in time they came back, and Windom got out with somebody or other, I think the man was a colored man and his name was Smith ; and he walked up to the window, and when Windom got up near that he told them he had a man there to identify him as being a citizen ; and they said that he had to go inside, that they would talk to him inside.

Q. That is, the negro was to go inside ?—A. They invited some Republicans and some Democrats, I think the invitation extended all around, so I went inside of the precinct ; there was several in there besides the colored man ; McGinniss asked them in, and he was receiving judge.

132 By Mr. POLLARD :

Q. He was receiving judge ?—A. Yes, sir ; so this here school director up there, Mike Walsh, I believe is his name, I believe he is school director for the Fourth ward, he was there, and he says, "How long

have you known this man," speaking to the colored man. "Well," he says, "I have known him over a year—about a year and a half." He says, "But we don't know you," to the man that Read and Windom had brought up in the buggy. Read then says, "Why, must you know every man that comes here to identify him," or some remark to that effect, and he said they wanted somebody that they knew to identify the man; and Read says, "Well, a man might live within a hundred yards and not be acquainted with you, and you might never be acquainted with him; how is he going to get a man to identify him?" Then Read says, "I have known this man for a year, and he has known Windom for a year. Won't that do?" Then Walsh turned to me and says, "Jones, how long have you known this man?" pointing to Windom. I says, "I have not known him only for a couple of hours; I have just seen him." He says, "If you say that you know him over a year, we will take his vote." I says, "No, I don't know him; I have just become acquainted with him. But," I says, "I believe he is entitled to vote, and he ought to vote." Then there was a young fellow, one 134 of the judges, Hennessy, or some such name—Jack Hennessy, I think, and Walsh turned around to him and said, says he, "I am in favor of our taking the ballot." Mr. Hennessy said something, and Walsh says, "All right, gentlemen, you folks go out and leave us alone with these two colored men, and we will settle this matter ourselves." I stepped out, then, taking it for granted that the ballot was going into the ballot-box without any trouble. When I got out the crowd began to move and follow me, and kept yelling that I had been inside to identify a d—nigger, and that I had better get away from there. As I got into my buggy Cahill walked over and hallooed out "You G—d 135 d—d s—n — b—h, you will get your head knocked off if you stay around here any longer." I says "I guess not," but I just drove off and drove down town. Afterwards I went in the fourth district police station and reported to the police, and asked them to send some help down there; that I thought there might be violence used. I came up there again; I didn't get out of my buggy because I was somewhat afraid, and I didn't wish to raise any disturbance, not wishing to get hurt. But there was a great many colored men that was afraid to go to the polls for fear of their lives.

(Mr. Donovan, counsel for the contestee, objects to the statement as being an argument, unless the witness can give the matter more definitely.)

136 A. I asked the colored men why they didn't go up there to vote. They said that they were afraid; that they wouldn't let them vote.

(Mr. Donovan, counsel for the contestee, objects to what the witness now states, as hearsay, as he cannot give any definite testimony on the subject, or name a single man that was afraid to attend at that poll.)

Q. How many colored men did you hear say so?—A. Four or five.

Q. Do you know any of them?—A. I don't know their names, but I saw them I might identify them.

Q. Now state whether, during any of that time that you were there, you heard any cursing or swearing, or saw any attempt made to drive any one from the polls.—A. Why, certainly, it was cursing and yelling all the time. The police officer didn't seem to care much about whether a man got a vote in or not. If a colored man went up there to vote they would push him, and crowd him, and yell, "You s—n — b—h; you bastardly s—n — b—h, get away from here." That is what they said to me too. When I complained to the police office

about this language of these men the policeman requested me to go away. The mode of procedure was to get a man in there into the crowd, and then the crowd would rush him away, take him bodily away from the polls, shove him right away from the polls, so that they couldn't lay it on any one man.

138 Q. Did you see that in more than one instance?—A. I seen that in two instances, where they pushed a man away.

Q. Who were the judges?—A. McGinniss, Hennessy, and Walsh. I don't know who the other man was there inside of the polls, in conjunction with the judges. I think his name was Mike Cullen; something like that; he works in the gas works; and another man; there must have been several others there, but those were the ones that I noticed; I was slightly acquainted with them.

Q. There was a man named Lucy in there?—A. I don't know the name; he may have been there.

Cross-examination by Mr. DONOVAN, counsel for contestee:

139 Q. You are a Republican?—A. Well, that is the party I affiliate with on national questions.

Q. You devoted your day to that election?—A. I did, in looking out for the interests of the party; what I considered their interests.

Q. Were you employed so to do?—A. No, sir.

Q. Were you paid so to do?—A. No, sir; I spend my own political expenses.

Q. Whose buggy were you in?—A. I hired the buggy from Mike Cullen.

Q. Who paid for it?—A. I did, if it was paid for.

Q. Who paid for it?—A. I will pay for it, if it is to be paid for.

Q. You have not paid for it, then?—A. No, sir; I have been out of work.

Q. This election was last November?—A. Yes, sir; I have been out of work, if you wish to understand why that bill has not been paid for.

Q. Did you receive the money to pay for that buggy, but did not pay for it?—A. No, sir; I tell you that I do my own political business, and paid it out of my own pocket; never ask a candidate for money; I go and do as I please. I have been working on the "Times," and when the union struck there in September, I stopped too. I came out with the union men. I suppose you remember the instance; some time in September. Since then I have done nothing until the last two or three days.

Q. You were, then, on election day, acting the patriot?—A. I was acting the part of a citizen.

Q. You were hiring buggies and spending your day at the polls, going from poll to poll electioneering?—A. No, sir; I was not electioneering; I deny that.

Q. What were you doing?—A. I was not soliciting votes; that is what I call electioneering. I was looking out to see if fraud was going on, and if so, if I could prevent it.

Q. Who invested you with the high prerogative of hunting out fraud election day?—A. Well, I think that was invested in me by the United States, when I took the oath of allegiance.

Q. You are not a rich man?—A. No, sir.

Q. You have to work for your living?—A. I have got to work hard.

Q. Are you a married man?—A. No, sir.

Q. Did you have employment about that time?—A. No, sir;

I was out of work; let me see, I worked up to the day before the election; yes, but election day is a national holiday and we did not work; I didn't go to work.

Q. You walked around the polls on election day, and saw whether frauds were being perpetrated?—A. I walked around the different polls, off and on.

Q. On the day of election?—A. I was; yes, sir.

Q. Did you work the day after?—A. No, sir; I was a little too tired.

Q. When did you go to work after the election?—A. I believe it was some time during the next week.

143 Q. For whom did you go to work then?—A. A man named J. Schupp. He owes me considerable money yet.

Q. Is that the lawyer?—A. I don't know what he is. He has been publishing a paper.

Q. Where at?—A. 209 North Fourth.

Q. What sort of a paper?—A. He called one the "Saint Louis Drummer," and the other the "Saint Louis Trades World."

Q. Now, you worked up to the day of election and then quit. Why did you quit work to become a patriot?—A. Why, I was through with my work.

Q. Did anybody solicit you to devote your time to examining how elections in the United States were conducted on that day?—A. To examine? It is not necessary for me, Mr. Donovan, to examine anything in regard to elections; I claim to be somewhat of an intelligent man and to read a little about elections, and having taken a part in politics heretofore I know a little about it; there is not an election comes up but what I take some interest; I have gone to polls when I have not voted, and staid alongside of the polls to look on at things, even for school board directors.

Q. As a matter of curiosity?—A. No, but to gain information, or experience, which ever you wish.

Q. And for that reason you hire buggies to assist you in this work?—A. If I felt so disposed I would hire a buggy the same as I would on Sunday or any other day.

Q. Although you were short up for cash?—A. I was just at the time.

145 Q. And you hired a buggy and you let the man who rented it to you or gave it to you whistle for his pay?—A. He is not whistling, sir.

Q. Hasn't he whistled for it since the second of November?—A. No, sir; he knows well enough that I can pay for it if it becomes necessary; he is not worrying about it; Mr. Cullen knows me long enough to know that I pay my debts.

Q. How much money had you in your pocket on the day of election?—A. I believe I had two or three dollars.

Q. How much had you in bank?—A. I have not got a bank account; I couldn't make it on a Democratic paper.

146 Q. You are dependent on your work for your subsistence?—A. Yes, sir.

Q. So you had three dollars in your pocket?—A. I may have had three or four dollars; I don't recollect exactly; I had a little spending money of my own.

Q. This was the extent of your spending fund—three or four dollars?—A. That is all I had.

Q. How could you afford a buggy?—A. That has got nothing to do with you; if I choose to buy a house and lot I will go and buy it; that

hasn't got nothing to do with you at all; if I wan't to hire a horse and buggy, and a man lets me have a horse and buggy and trusts 147 me for it, that is nothing to do with you. I had a perfect right to do that. Mr. Cullen knows I will pay for everything I owe, and if I wanted to have another horse and buggy to-day, I know I could get it.

Q. You have your work to depend on for subsistence, and you have been out of work for some time?—A. Yes, sir.

Q. And had been out of work off and on prior to the election?—A. I had.

Q. And so for that reason you were considerably short?—A. But I did not go and have to work about the polls for any money.

Q. Did you work for the Republican people for money?—A. No, sir.

Q. Never received any money and don't expect any?—A. No, sir.

148 Q. But simply felt yourself invested with a high sense of duty as an American citizen, and being remarkably short of cash, you hired a vehicle and went around to the polls on election day to investigate whether or not any fraud should be perpetrated at any poll? That is a good question, is it not? Read it to him, Mr. Notary.

(Question read.)

A. Certainly.

Q. You can afford that, too?—A. I can at times.

Q. Although you haven't got any money?—A. That is what is the matter, if I tell you the truth. You see this was a Democratic paper; if they hadn't transacted so much of their business at the east front 149 door of the court-house I might have been better able to pay my debts.

Q. Were you employed with the Times?—A. I was.

Q. Up to what date did you work there?—A. I worked there—it was one Saturday night that we quit—when they wouldn't pay us union prices.

Q. Were you discharged or not?—A. We quit, twenty-six of us, in a batch.

Q. On what date did you quit?—A. Well, I will have to look up the records of the union for that.

Q. Was it not the eighth day of November?—A. No, sir; I did not work there then; I haven't got any due-bills—

Mr. DONOVAN. Well, you are now talking enigmas to me.

150 WITNESS. Well, you are not talking about anything else, are you?

By Mr. DONOVAN:

Q. Well, when you got to the poll with this negro you were invited into the judges room—an extraordinary privilege—the negro accompanying you, and the case of the negro was then and there discussed by you?—A. I didn't say that I was invited. I took it for granted that the invitation was extended to me as well as to Democrats.

Q. As well as to the negro that accompanied you?—A. He was with Read?

Q. Was Read a negro?—A. Read was a negro.

Q. So there was two negroes that went into the judges' room?—A. There was three.

151 Q. Isn't that an extraordinary privilege to grant, to go into the room where the judges are?—A. I don't know. That may be the way that Democratic judges look at it. I think that both sides should be represented when they invite any one in.

Q. Isn't it the custom here that the vote or ballot is presented at a window on the outside of the room?—A. It was done so.

Q. That is the custom here of casting ballots?—A. It was in that case, too.

Q. And the people objected to others coming into the room where the judges were?—A. Sometimes; but in cases like that I don't think they would object.

Q. But in your case you and the three negroes were permitted, or invited, by the judges to come into the room and discuss the 152 case?—A. Oh, you are getting around to that, are you? You must remember that there were two or three Democrats also with us that went in with the negroes and myself; they were invited by the judges, not only Republicans, but there was also some Democrats.

Q. But you went in there to canvass what ought to be done with the ballots of these negroes?—A. We went in there to see whether they were satisfied with the man that came up with this here Windom and Read; that had come up in my buggy. I went in there to see if they were satisfied with the identification, and if they were going to take Windom's ballot.

153 Q. Those judges treated you respectfully?—A. They know me too well to treat me any other way. I am well acquainted in that ward.

Q. They tried to do their duty the best way they knew how?—A. I don't know.

Q. Well, they gave you respectful answers to any question or any argument that you made to them in regard to the ballots?—A. I had no question or argument to make with them. I pulled out the United States law and read that part governing the case of Windom; then I handed the printed copy to Mike Walsh. He says, "That has got nothing to do with us." I says, "Well, possibly it will have something to do with you." Then he turned to Hennessy and says, "What are you going to do?" And he says, "Well, I am in favor of taking 154 the ballot." Walsh then turned to us and says, "Please retire, gentlemen; we will settle this ourselves with these two colored men." With that I stepped out.

Q. When you got out on the pavement, as I remember your direct examination, you became desperately frightened?—A. Desperately nothing; oh no; but I didn't want to get a black eye or get a lick in the head, so I thought discretion was the better part of valor, and I stepped into my buggy.

Q. You were not hurt in your buggy?—A. No; but I think if I had staid there a few moments longer that I should have been hurt.

Q. It is your opinion that you might have got into some difficulty?—A. I believe it is.

Q. Was there anybody there that could scare you on that day?—A. I think there was several there that could lick me.

Q. If they wanted to?—A. O, the disposition was there, but they were prevented.

Q. Prevented by whom, by the policeman?—A. Oh, no; he wouldn't interfere in anything.

Q. Did any of them try to hit you?—A. I believe that one of them would have hit me if a man hadn't been standing between us and held him off. If I knew the man's name I would give it, but I didn't find out his name; he knows me well enough, though.

156 Q. Did you say anything to the man to induce him to hit you?—A. I don't believe I did.

Q. Are you sure whether you did or not?—A. I may say, yes; I am sure.

Q. Then you did say something to him that would provoke a quarrel?—A. I did not; I said no before.

Q. Were you or were you not loud-mouthed?—A. No, sir.

Q. Didn't you have a great deal to say at that poll?—A. No, sir; nothing more than what I had a reason for—where colored men were not allowed to vote.

Q. Who did you say that was?—A. Anybody they wouldn't allow to vote. I know very well that they made the remark there that no G-d d-d nigger should vote.

Q. You then had a discussion?—A. No, sir; I didn't enter into a discussion with anybody.

157 Q. You had nothing to say, then, when you came outside?—

A. The question was put to me, "What is going to be done with that fellow?" I says, "As I understand it they are going to take the ballot; that is my understanding of it," but the man says afterwards—

Q. You were not badly hurt, then?—A. I didn't like to hear them prying into the business there.

Q. Do you mean to say that you were frightened away from that poll?—A. I didn't want to take a lick; so I left instead of taking it.

Q. Do I understand you to say that you were frightened away from that poll?—A. You can take it just any way you wish.

Q. If you were frightened away from that poll, why did you 158 return to it a few moments afterwards?—A. It might be an hour afterwards; it was between fifteen minutes and an hour.

Q. If you were frightened away from the poll, why did you return back to it?—A. Well, I had a horse and buggy to get away from it.

Q. Were you frightened away from the poll; will you not answer that question?—A. I don't know what you call frightened; I don't know what you wish. As I know the meaning of the word frightened I have defined it pretty well.

Mr. METCALFE. The witness has stated the circumstances of the case several times, and it seems to be the object of the counsel for the contestee, in prolonging this examination, is simply for the consumption of time.

By Mr. DONOVAN:

159 Q. Did you see any fighting there on that day?—A. I seen men being pushed around; being pushed away from the polls.

Q. Crowding that is usual in all crowds?—A. There seemed to be a great deal of crowding there.

Q. People are generally anxious to get up and cast their ballot, and they crowd to do so at polls where there is a large number of votes to be cast?—A. Yes, sir; sometimes they crowd others from doing it.

Q. We are not asking you about other days; we are simply asking you in regard to that day there. Now, you state that the crowd there was two hundred. Are you sure about that?—A. I did not say that.

Q. What did you say in regard to that?—A. I said there was about two hundred. I didn't count them.

160 Q. If the witness who has previously testified in this cause has stated that he remained at the polls all day; that the largest number of people that were there at any one time during the day was forty, how would you reconcile your statement with the statement of that sworn witness?

Mr. METCALFE. In the first place, that is not true. No such testi-

mony has been elicited; second, the question is propounded for no other purpose than to consume time; and, third, it is not the duty of this witness, or any other witness, to reconcile the testimony of other witnesses with his own; it is for the counsel himself to do it if he can.

(Mr. Donavan, counsel for the contestee, appeals to the record, believing it to be his duty to cross-examine the witness on this point, because he thinks he is a little extravagant in his statement.)

A. Well, I seen more than forty there. I don't know what the man's judgment was. He may have been wrong, or he may have been counting them wrong, but I seen from between one hundred to two hundred; they were scattered. Whether they were right in front of the polls or where he means I don't know, but I mean all around that election poll—this polling place; you know Hempstead street is not cut through. There was a big crowd down there, and then there was a large crowd on the pavement. I would take all that in one crowd. I would judge from one hundred and fifty to two hundred. If he takes in the whole crowd I think that he was mistaken about the number.

162 Q. How many were there in any one knot or group scattered along the street?—A. Sometimes there was an awful crowd in there; I didn't count them; there was groups of ten, groups of twenty, and so on, more or less scattered around there.

Q. That is considered a Democratic poll is it not?—A. I believe it is; it is pretty thoroughly Democratic.

Q. There were a good many negroes in line going to the window to vote?—A. No; not so very many. They commenced bulldozing there very early in the morning so that the negroes were scared.

Q. But they were in the line?—A. At times.

Q. What bulldozing did you see there?—A. Just what I told you.

163 Q. Just what you have said about getting into your buggy and getting into a controversy with some gentleman on the pavement?—A. I did not get into any controversy.

Q. You said something to some gentleman, and somebody said something to you?—A. I call bulldozing when men make a challenge of voters, and where judges will refuse to swear the challenging party, and reject the ballot—not take it; that is what I call bulldozing.

Q. How much of that did you see?—A. I seen it in three or four different cases; I asked them to swear the challenging party; I asked this man McGinniss; I says, "This man challenges," and, says I, "Have him sworn, and see if he has a legal right to challenge, and if he has 164 no legal right to challenge, then have him locked up."

Q. That is the way you were bulldozing?—A. No, sir.

Q. You were bulldozing the judges?—A. No, sir; I wasn't bulldozing anybody, unless it was the challenging parties.

Q. You were a remarkably upright canvasser, receiving nothing but the reward which the performance of a duty gives you for that work?—A. Yes, sir; now that is the truth.

Q. You were then simply acting on the principle that virtue is its own reward?—A. That is what I have acted on all the time.

Q. How old a man are you?—A. I am going on twenty-eight.

Q. And a printer, hard up?—A. I am not hard up now.

Q. You were at that time?—A. No, not at that time; but since

I have had but little money in my pocket; I am never hard up when I have got a home.

The negroes whose names you have given here are the same concerning whom previous testimony has been taken?

ITNESS. What previous testimony?

r. METCALFE. He don't know what previous testimony has been n.

ITNESS. I am not running this case. The names I mentioned are .. Read, he keeps a barber shop on Seventh street; and Windom, ; the man that was arrested; I seen him in the fourth district police on afterwards; and Cain Rollins.

By Mr. DONOVAN:

. These men have been on the stand here?—A. Maybe they have for all I know.

Q. Were these the men that told you they were afraid—that they were intimidated?—A. I spoke to Rollins; I says, "Have voted?" he says, "No; they won't let me vote;" I says, "Go up and " he says, "They will have me arrested." And there was other men e too.

. Did you employ any of these men to stand in the line of voters in rong Democratic ward to retard Democrats from casting their bal?—A. I didn't employ anybody; I didn't have any money to pay body if I had.

. Do you know the fact that these men did repeatedly appear in line after they knew what the judges' decision would be when they hed the window; and appeared in that line for no other purpose than to retard the casting of a full Democratic vote at that precinct?—

A. I don't know anything of the kind, sir.

Q. Did anybody tell you they did?—A. No, sir.

. Do you understand what their object would be in going to the s three or four times, when they knew that the judges had already ed upon their case?—A. I don't know.

. Don't you know the fact that men standing in line delay or retard casting of the ballot?—A. Standing in line? I don't see what busi- a man has got in the line unless he is entitled to vote.

. Where he has been challenged and is not entitled to vote; what, our judgment, would be his motive in standing in that line after- wards?—A. I don't know, unless it is to be told again; or to get witnesses to hear it, I guess, if any trouble was going on.

Q. What are you doing now?—A. I ought to be at work, but I sitting here; I am working for Charles Ware; I have been watching clock pretty close; I want to get through as soon as I can.

. Well, you are at liberty to leave.—A. I am obliged to you.

By Mr. METCALFE:

. Just one more question, Mr. Jones; from what you know of the actor of the crowd that was assembled at the polls on that day; what you know of the character of the colored men there, would e possible for about fifteen or twenty colored men to get into line and keep Democrats from voting at the poll?

(Mr. Donovan, counsel for the contestee, objects to the question as wholly immaterial.)

. Not at that poll.

. State whether or not the crowd was Democratic or Republican.— Well, my opinion is that that crowd was Democratic.

. State whether you know from the character of that crowd whether

ten, fifteen, twenty, or twenty-five men who were in the line and to cast their ballots, whether they could interfere with the rights of others.—A. No, sir.

By Mr. DONOVAN:

Q. Are there many negroes living in the district?—A. I don't know how many.

Q. There are very few, are there not?—A. There are several hundred.

Q. But the number of negroes in that district are very few
170 I have been through that part of the district bounded by
way and the river; I used to work some time at the gas
and there was a pretty good lot there; but now I understand the
moved.

Q. You don't think that there are more than thirty or forty in
that entire district?—A. On Mound street there used to be,
forty or fifty right there when I worked at the gas works; but I
stand they have moved to Main and Mullanphy; somewhere
there.

Q. But there is a real disproportion of white people over colored
in that district?—A. Yes; the whites are in the majority.

Q. There are very few colored men?—A. I don't know
171 many there are; I can't say anything in regard to the colored
there because I have not been in that district for so long.

Q. I asked you because you stated you were familiar with the
district?—A. I am with the polls and around them; I was pretty well
acquainted around there four or five years ago; then there might
been a hundred all told.

Signature waived.

At this point a recess was taken until half-past two o'clock
afternoon.

AFTER RECESS.—*February 4, 1881—2.30*

172 Parties being duly assembled the examination of witness
resumed, as follows:

JAMES TURNER, produced, sworn, and examined on the part
of the contesting party, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question what is your name?—A. Answer. James Turner.

Q. Where do you live?—A. 1015 North Seventh street.

Q. How long have you lived in this city, Mr. Turner?—A.
173 I have lived here thirty-five years; oh, longer than that; I have
lived here all my life; I am thirty-six years old.

Q. Born here, were you?—A. Yes, sir.

Q. What is your business?—A. I am an engineer.

Q. Locomotive engineer or—A. Stationary engineer.

Q. Where are you employed?—A. 912½ North Sixth.

Q. Running an engine?—A. Yes, sir.

Q. What were you doing last election day, Mr. Turner?—A.
deputy marshal.

Q. Deputy United States marshal?—A. Yes, sir.

Q. At what poll?—A. Thirty-nine.

Q. What ward is that in?—A. Fourth ward.

Q. Were you there all that day?—A. I was, sir.

Q. Where were you, inside or outside of the house?—A. Right outside of the polls, right there.

174 Q. Right close by the place of voting?—A. Yes, sir.

MR. DONOVAN. I must interpose the same objection as I have made heretofore, in regard to the examination of witnesses under a subsequent notice before the prior notice has been exhausted.

By Mr. POLLARD:

Q. Were you there all day?—A. I was, sir.

Q. From the time the polls opened?—A. From the time the polls opened, sir.

Q. Till they closed?—A. Yes, sir.

Q. Now, Mr. Turner, was there any disturbance there that day?—A. Well, I seen some fighting going on about fifty feet or further away, from the polls.

Q. Mr. Turner, was there any threats of violence or of arrest and prosecution made by any Democrats there toward the colored 175 voters that were assembled there?—A. There was one man arrested.

Q. Were there any threats?—A. Yes, there was.

Q. By whom?—A. I don't know the parties; I don't know their names, but they were cursing and going on, and saying if they tried to vote there they would have them arrested.

Q. Who were these threats made to?—A. To negro voters mostly.

Q. State whether that occurred more than once?—A. Well, it occurred many times; I don't know how many times; but it was at various times.

Q. State whether or not there was any cursing or loud talking there.—A. Well, there was.

Q. By whom?—A. By three men; their names I don't know.

Q. State whether or not there was a large crowd assembled 176 there that day.—A. There was, sir.

Q. What were they principally, colored or white?—A. Well, they were colored; yes, they were colored.

Q. A large number of colored men?—A. Yes, sir.

Q. Now, was there a large crowd of white people assembled there?—A. Yes, sir, afterwards; after this time that I now speak of.

Q. State how the colored people there assembled conducted themselves that day.—A. Perfectly quiet; quite peaceable.

Q. State, if you know, Mr. Turner, whether any colored man, or more than one was deterred from voting by the threats or by intimidation on the part of the Democrats there assembled.

177 (Mr. Donovan, counsel for the contestee, objects to the question, and asks that the attorney will please ask the witness for facts.)

A. I do, sir.

By Mr. POLLARD:

Q. Now state the facts.—A. I never seen any voter there, any colored man vote there.

COUNSEL. I suppose that is what you meant—colored men.

WITNESS. All that I seen there, they tried to vote, and they was not permitted to vote.

Q. State, if you know, how many so tried to vote, and were prevented from voting.—A. I never took any number of that, never counted

them at all or put them down, which I thought I should have done at first, but I didn't do it.

Q. State whether there was one or two or how many more than 178 that?—A. I guess I seen a great many when the polls opened, about seven o'clock, I judge, about thirty-five colored men was there, and several white men, which, in all, perhaps, would bring them up to about seventy-five, and I never seen any voting.

Q. That day?—A. In that morning when the polls opened.

Q. How many colored men, if you know did vote there that day?—A. Well, I seen Mr. Boyle for one put in his vote, but I am told they didn't count it; and I see another one put in his vote, and it was taken, but he told me—and let me see what the man's name was inside there—

(Mr. Donovan, counsel for the contestee, objects to what anybody may have told this witness.)

WITNESS. The supervisor; the matter was just so; that I 179 asked to be permitted to go inside, but I was made to stand on the outside.

By Mr. DONOVAN:

Q. It was your duty to stand outside?—A. Yes, sir.

By Mr. POLLARD:

Q. State whether or not you heard any threats; and, if so, what those threats were.—A. I did hear threats made there, that nary G—d d—d nigger should vote there. I don't know why; and I thought there was considerable intimidation there; and the next man I seed do this I was going to arrest him. Well, they allowed one of those gentlemen that they had hired there to prevent negroes from voting; and these colored men didn't want to get into any disturbance; "and God d—n a man anyhow that couldn't prove himself, let him go to hell."

Q. You are a colored man?—A. I am.

180 Q. State whether these threats were made more than once during the day.—A. They were, at various times, sir.

Q. To whom were these threats directed?—A. The negro voters, sir.

Q. State whether or not these threats were made to any negro voter that approached those polls that day while you were there.—A. They were, sir; and I was there all day.

Q. How many negro voters voted there that day?—A. I didn't see but two hand in their ballots.

Q. State if you are acquainted with the negroes in that vicinity, in that district.—A. No, sir; I am not.

181 Q. You say when the polls opened there was some thirty-five colored men, as near as you could judge?—A. Yes, sir.

Q. Were there any white men there at the time?—A. Yes, sir; there was.

Q. About how many white men?—A. I presume, colored and white, about seventy-five.

Q. Did the colored men attempt to vote early in the morning, as soon as the polls opened?—A. Yes, sir.

Q. Was there any action on the part of the Democrats there that early in the morning tending to prevent them from voting?—A. Yes, sir; there was.

Q. That commenced there from the beginning in the morning?—A. From the very beginning, sir.

(Mr. Donovan, counsel for the contestee, objects because it is calling

182 for conclusions of the witness, and not for his statement of the facts.)

By Mr. POLLARD:

Q. State now whether or not there was any apparent attempt on the part of any colored man or Republican to prevent any Democrat from voting at those polls.—A. Not at all, sir.

Q. State whether or not they could have done it.—A. They couldn't have done it, sir.

Q. Why?

(Mr. Donovan, counsel for the contestee, again objects, because 183 the question calls for the conclusions of the witness, and does not call for a statement of the fact.)

By Mr. POLLARD:

Q. Why?—A. Well, there was too many Democrats there, sir.

Cross-examination, by Mr. DONOVAN, counsel for contestee:

Q. You are a Republican?—A. I am.

Q. You are a colored man?—A. I am.

Q. You were a duly appointed United States marshal to preserve order at that poll?—A. I was.

Q. What is your weight?—A. Well, about two hundred pounds.

Q. You are very well able to take care of yourself?—A. Well, I did so during that day.

Q. You were very well able to perform the duty to which you were assigned?—A. I presume so, sir.

Q. Did you arrest anybody?—A. I didn't.

Q. Were you called upon to arrest anybody?—A. I wasn't.

Q. Did you believe it your duty to arrest anybody?—A. It was.

184 Q. Why didn't you perform that duty?—A. Couldn't have done it, sir.

Q. How many people did you believe it your duty to arrest?—A. I think if I could have got United States marshals sufficient I would have arrested the whole business, judges and everybody else.

Q. You think—as a Republican—you think it would be your duty to remove everybody from the polls?—A. Not as a Republican, but according to my belief I would have arrested everybody at the polls, the judges, and everybody else.

Q. For what reason?—A. For intimidating voters there.

Q. Intimidating them; how?—A. Not allowing anybody to vote there, their names being there; they had the tickets there to show that they had registered.

185 Q. Didn't those people, whom you say were intimidated, go to the polling window?—A. They did.

Q. Then were they prevented from going to the polling window?—A. They were, sir, when they arrived there.

Q. When they went to the window how were they prevented from going there?—A. I saw quite a number of them were going there.

Q. I want facts; we don't want conclusions, sir; you tell me that these voters went to the polling window?—A. Some of them, sir, did.

Q. And went there many times?—A. Well, yes, a few of them did.

Q. Those negro voters went there as often as they pleased?—A. No, sir; not as often as they pleased.

186 Q. But they went there three or four times, and the voters that did visit the polls frequently during that day were negroes?—

A. Yes, sir

Q. And they were the same parties?—A. Well, I couldn't tell. I don't know them. There were so many I couldn't really tell one from the other.

Q. But each one insisted upon going to that window three or four times during that day?—A. Not each one. Some of them did try to vote. Some of them who had work to do wouldn't bother with it.

Q. Do you know the name of a single, solitary negro who was prevented from approaching the polling place?—A. Not as far as I know. I didn't know any of them up there; I have become acquainted with them since.

187 Q. You are a negro yourself?—A. I am.

Q. Did you see any white people there at that poll that persisted in coming there three or four times after the judges had passed upon the ballot that had been previously presented?—A. I did; I seen one white man.

Q. Only one white man?—A. I seen one to my knowledge.

Q. And the only other parties that persisted in clogging the line of that poll were negroes that did so by offering their ballots frequently, when they knew what decision would be made when they arrived at the window?—A. If I may answer that question—when these negroes went to this window, the judges—the votes were challenged, the names were there, but they were challenged—and the judge told them to go, in case their names were challenged, and get some one that knew them. They would go and do it and have some one there; and some one would challenge this man that came to vouch for the man whether he was a citizen or not; and others, they would bring a white man, &c. But there was not any of them that I seen vote except two. I saw them hand in their tickets.

Q. But all of these negroes went to the window?—A. Well, I seen some of them go to the window. I don't know whether they all went to the window, because when they got to the polls there would be 189 a man there who would challenge them and say, "I knew you in Bolivar County, Mississippi; you havn't been here long enough; you can't come here and vote."

Q. Who was it said to any of these negroes that he knew him in Bolivar County, Mississippi?—A. As far as I know, I don't know any of these gentlemen.

Q. Notwithstanding the fact that he knew him in Bolivar County, Mississippi, he was still permitted to go to the window, and did go to the window?—A. Well, no. I say that some of them didn't go to the window; and I told them if they had a right to vote that I would see that nobody didn't touch him.

Q. You promised them full protection?—A. I told them if they had a right to vote to vote.

190 Q. And that you were there as an officer of the law to see that they should vote; that they should have the privilege of presenting their ballots?—A. Yes, sir.

Q. And you were there to attend to that duty?—A. Yes, sir.

Q. And there was nobody that you knew of that you didn't protect in his right to present his ballot, and have it passed on?—A. As I have said, if it was right—if I had men enough to do so, I would have arrested the whole business.

Q. I am not asking you about arresting anybody now. I suppose if you had had men enough you would have arrested every Democrat in the city of Saint Louis.—A. No, sir; I wouldn't have done that.

Q. But you were there to preserve order at the polls, and to see that negroes desiring to vote should have the privilege of presenting their ballots at the window?—A. Or anywhere else.

Q. Or anywhere else?—A. Yes, sir.

Q. And you attended to that?—A. I did, sir.

Q. At the opening of the poll you think there was twenty or thirty colored men there?—A. About thirty-five colored men.

Q. And a large number of colored people?—A. Yes, sir; including in all about seventy-five, as near as I can judge.

Q. Did they form a line?—A. They did.

Q. Colored and white sandwiched?—A. Yes, sir.

192 Q. And the line proceeded in the usual form to the window, and each man either cast his ballot, and it was received or rejected, as the case might be?—A. Yes, sir.

Q. That was the course of procedure in the morning?—A. Yes, sir.

Q. No man was jerked out of the line?—A. There was not any jerking out of the line; no, sir.

Q. Did you see any man jerked out of the line during the day, except the man that was arrested for bothering the judges?—A. I saw no man jerked out of the line, sir.

Q. You say there was a lot of loud talking at that poll?—A. There was.

193 Q. Have you attended polls heretofore?—A. I have.

Q. Is there anything extraordinary about the fact that there is loud talking at election polls?—A. Well, as to that matter, according to law, I don't think that these men had any business so close to the poll. There was no necessity for such loud talking.

Q. It is your idea, then, that people ought to be discreet enough not to talk loudly at an election poll?—A. Well, according to law, they are not allowed close to the poll.

Q. And for that reason you thought you ought to arrest them?—A. And for intimidating them; I considered it intimidating.

Q. What do you mean by intimidation?—A. Well, I mean this: 194 Preventing men, when they have a right to vote, preventing them from voting.

Q. That is, you believe it to be intimidation for a judge to pass upon a ballot offered, and refuse the same?—A. The judge? I asked one of those judges myself what was his reason for not allowing those negroes there to vote. He said that he lived on Main, and worked at the gas-house; that he knew each and every negro that lived on Main street. I told him it was not so.

Q. And that is what you mean by intimidation?—A. Yes, sir.

Q. When this loud talking was taking place you asserted your right as a United States officer, and declared that the next man that 195 would do that that you would arrest him?—A. I told them; yes, sir; I did.

Q. You didn't arrest anybody?—A. I didn't. I preserved the peace there. There was not any more loud talking after that, and goings on; no striking of people, and so forth, as they did before.

Q. You then succeeded in preserving order at that poll?—A. I did, sir.

Q. When did you make this declaration that you would arrest anybody that talked loudly in the vicinity of this poll?—A. I said if they bothered these men that came up there the way they did, I would do so; I would arrest them.

Q. They obeyed your request?—A. Yes, sir; that time.

196 Q. And were prevented that way from talking loudly in the vicinity of the poll?—A. Yes, sir.

Q. You saw negroes vote there that day?—A. I seen two hand their ballots in. Whether they went into the box or not I don't know.

Q. Do you think there was any want of courtesy on the part of the judges to any negro who offered his ballot on that day?—A. I do. I think they were Democrats there, and didn't wish that any negro should vote there.

Q. My question is: Do you think the judges exhibited any want of courtesy to negroes who offered to vote at that poll on that day?—A. I don't really know whether they did or not exhibit any want; they didn't want that they should vote.

197 Q. That is, you think that they would prefer that they wouldn't vote?—A. Yes, sir; I couldn't say anything more, to tell you the truth.

Q. Where did you stand at the poll?—A. Right at the door.

Q. Right in front of the window?—A. Yes, sir.

Q. Was there any threat made to any negro, in your presence, standing in line and ready to vote?—A. Yes, sir.

Q. Did they prevent him from going to the window?—A. No, sir; he went to the window also.

Q. He went to the window?—A. Yes, sir.

Q. Then he was not deterred from approaching that window?—A. No, sir; he went there.

Q. If he was frightened at any time by any of them he would not have gone to the window?—A. He went there.

198 Q. You saw that that was done?—A. That man went to the window and he was arrested.

Q. One man was arrested we know; that has been fully detailed here, and that is the only man that was deterred from approaching that window?—A. They told many of them if they went there they would put them in the penitentiary.

Q. But they went notwithstanding?—A. They went; yes, sir.

Q. And the judges passed upon their qualifications?—A. Yes, sir; some of these men, saying that they hadn't been here long enough, and so forth.

199 Q. Do you think there is more than thirty voters in that entire district?—A. I did think so, sir.

Q. You think there is more than thirty?—A. I do.

Q. There is a very small negro vote in that district, is there not?—A. Well, I think there is a medium large one.

Q. That is a strong Democratic district, is it not?—A. Well, there is a great many Irish around there.

Q. It is a strong Democratic district by the report that we find on the books at the city hall?—A. Never having been through this, can't say.

Q. Do you know whether or not that is a fact, from your own personal observation?

WITNESS. That there was twenty or thirty, you say?

(Question repeated by the notary.)

200 A. Well, I think it is. As I stated before I was not acquainted in that district. I don't know personally.

Q. Did you see these negroes, whose names have been given here number of times, endeavoring to vote two or three times?—A. Well, I don't know their names at all, except the one that was arrested. know his name.

Q. But did you see these negroes, after the judges had come to their conclusion in regard to the ballot, return again to the polls?—A. I heard the judges tell them to come back again.

Q. Did they come back again?—A. They did.

Q. And did they come back after the judges?—A. The 201 judges told them to come back every time.

Q. Did you not hear the judges say to them, "You can't vote at this poll"?—A. I did not.

Q. How often did you see the same negro come to that poll and get into line?—A. I don't know. I saw one there as many as four times.

Q. After he had this conversation with the judges at the window?—A. The judges told him to come back every time; to go and get some one; to get their house rent receipts; and then they was not permitted to vote.

Q. The judges would consider what was presented to them each time?—A. Yes, sir; the inside rulings would not permit them to vote; I spoke to these men when they come; I told him, "If you carry that any further I will take you in."

202 Q. These men would go in and would receive, as you say, the inside rulings?—A. Yes, sir; and those inside rulings wouldn't permit them to vote.

Q. But the judges would consider what they did present to them?—A. I suppose they did; they told them to come back.

Q. But after they finally determined that they had no right to vote, they wouldn't again request them to come back there?—A. They had a right to vote; they told them every one to go and bring some person they knew back with them, and they would bring colored men, and they said, "Why don't you bring a white man"? And it appeared as if that day there was not a white man that knew a negro. And 203 there was one white man that went up there with a negro that was hit.

Q. You are ready to advance your theories, and so I will ask you again whether or not you haven't learned your lesson, as the other negroes on the stand have been taught theirs, to introduce here, when you get in this room, on this stand, anything and everything in regard to the hitting of a man you could think of?

(Mr. Pollard, counsel for contestant, objects to the question, because it is utterly and absolutely false. There is not a scintilla of evidence from any witness that he has received any suggestions from any one.)

A. No, sir; no one need tell me anything. I haven't been talking with anybody at all.

204 By Mr. DONOVAN:

Q. Never conversed with any party about the testimony that you were to give on this stand?—A. I have not, sir.

Q. Either in the drill-room or with the attorneys in the cause?—A. I haven't been in there but once, and that was only a while ago.

Q. Was not anybody sent to you by them or by any friend of Mr. Sessinghaus?—A. No, sir.

Q. Never spoke with the other colored men about what you were to testify?—A. No, sir.

Q. How many men were hit on that day?—A. I seen one hit.

Q. Only one?—A. I seen one man hit.

205 Q. And that is the oft-repeated story that we have had on this stand regarding the trouble at that poll?—A. I seen one; that is all I seen hit.

Q. As a United States officer you saw that; with this single exception, peace was preserved at that poll?—A. Yes, sir.

By Mr. POLLARD:

Q. Mr. Turner, inasmuch as the attorney has endeavored to mislead you, I will ask you again whether or not there was a large number of colored voters who were deterred from approaching the window at polling precinct thirty-nine on that day?

(Mr. Donovan, counsel for the contestee, objects to the question, because the witness has already fully stated the facts, and we are not asking him for conclusions.)

A. Not at first, but there was the second time that they tried 206 to approach the polls.

By Mr. POLLARD:

Q. I will ask you how these negroes were prevented from reaching the window when in line, as you have stated, in the morning?—A. They told them if they went up there they would have them arrested.

Q. Who told them?—A. I don't know the men's names; I couldn't find their names out that day.

Q. Were they men that were in the line?—A. No, sir; men that were outside for that purpose, trying to keep them from going in.

Q. All the people that were there were not in the line; that is, all the people that were talking were not in this line?—A. No, sir.

By Mr. DONOVAN:

207 Q. Do you know of a single colored man that was not in the line?—A. I do.

Q. Give his name.—A. Knapper, for one, was not.

Q. Do you know whether Knapper was a voter at that poll or not?—A. Well, he told me that he didn't vote there; that he lived away further up town.

Q. And voted at another poll—voted at the poll at which he lived, there is where he voted?—A. Yes, sir.

Signature waived.

208 EDWARD BROWN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination, by Mr. POLLARD:

Question. State your full name.—Answer. Edward Brown.

Q. Where do you live?—A. Live down here, 1717 North Main, between Howard and Mullanphy.

Q. Did you live at 1620 Broadway last election?—A. I did last election; yes, sir.

Q. How long had you been living there?—A. I was living there previous to the election.

Q. How long?—A. About a little over a month.

209 Q. Before the election?—A. Yes, sir.

Q. How long had you been living in that ward, the Four~~th~~ ward, if you know where that is?—A. On Biddle street, all summer.

Q. What number on Biddle street?—A. Twelve hundred and something; I can't exactly bring the number to my mind; in Mrs. William~~s~~ house; twelve hundred and something, Biddle, I don't know the number exactly; in that old frame there.

Q. And you moved down to this place about a month before the election?—A. Yes, sir.

- Q. Do you remember the exact date?—A. Yes, sir.
- Q. Do you remember the date when you moved to this place?—A. Not the date exactly, of course not; I don't know exactly the date.
- 210 Q. Where did you live when you registered?—A. At 1620.
Q. 1620 Broadway?—A. 1620 Broadway.
- Q. Now, how long before the election did you register; about how long?—A. Well, I guess it was about two weeks; about fourteen days.
- Q. Before the election?—A. Yes, sir.
- Q. Where did you register at?—A. At the city hall.
- Q. City hall?—A. Yes, sir.
- Q. How long have you been living in this city?—A. Well, from 1879.
- Q. About how many months?—A. Oh, about two years.
- Q. Now?—A. Yes, sir.
- Q. Where did you live before you came to this city?—A. I lived in Illinois.
- 211 Q. Where were you born?—A. I was born in Lafayette County, Tennessee.
- Q. Have you ever lived anywhere else except in Tennessee, Illinois, and Missouri?—A. That is all.
- Q. How old are you?—A. I will be about thirty-three this coming August, if I live to see it.
- Q. When you registered at the city hall did they give you a ticket?—A. He didn't give me no ticket at all.
- Q. Did you go to the polls to vote on election day?—A. I wanted to, but I didn't get there.
- Q. That is polling precinct number thirty-nine, is that where you went?—A. Yes, sir.
- Q. What time did you go there?—A. I went there betwixt eight and nine o'clock.
- 212 Q. In the morning?—A. In the morning.
Q. Did you have a ticket to vote?—A. I had a voting ticket; yes, sir.
- Q. Who was on that ticket for Congress; Sessinghaus or Frost?
- Mr. DONOVAN (to the witness). Don't answer unless you can read.
- A. It was Sessinghaus. I am only going by what was said to me.
- By Mr. POLLARD:
- Q. Now, did you vote on that day?—A. No, sir.
- Q. Why not?—A. Well, the white gentlemens right there was so bulldozing around that I couldn't get to vote.
- Q. Did you go to the polls?—A. Got as near to the polls as I could. A colored man was in front of me in the line, I see there was not voting, so I come out and went away.
- 213 Q. What did these white men say?—A. Wouldn't allow a G—d d—d nigger to vote.
- Q. Was there any swearing there?—A. I heard that much; they was talking very loud, as if they had an idea that by swearing they would have us locked up; I was not used to no such talk at the poll before; I have voted before, and it was not that way; and that was not right in my judgment.
- Q. Why did you leave?—A. Because I saw they wouldn't let us vote, and that it was useless for me to go up there to vote, if they turned off so many that was ahead.
- Q. State whether or not you were afraid to remain there.—A. I was afraid to remain there; yes, sir; that is the way it was with me.

214 Cross-examination, by Mr.DONOVAN, counsel for contestee:

Q. Did you leave that line of voters because you were afraid, or because you were informed that people that were in the same situation that you were were not permitted to vote ?—A. It was useless, if we was not allowed to vote, to stay there.

Q. Were you afraid ?—A. Yes, sir; of course I was.

Q. Afraid of what ?—A. I didn't want any of them to hit me.

Q. Was anybany hit ?—A. They was talking about it; they allowed that no G—d d—d nigger shouldn't vote, which I know I wasn't used to vote before I came to this city.

215 Q. Was anybody hit at that poll on that day ?—A. I heard of a gentleman, but I don't know the gentleman, who he was.

Q. You were not hit ?—A. No, sir.

Q. You didn't see anybody hit ?—A. No, sir; I didn't see anybody hit.

Q. You were in the line ?—A. Yes, sir.

Q. And men, one behind the other, approaching the poll, and United States officers were there, were they not ?—A. Yes, sir.

Q. Marshals to preserve order ?—A. I seed some around there, but there was not much order there.

Q. Marshals, I suppose ?—A. I don't know, sir.

Q. Was not your friend, who just left the stand, a colored man, 216 a big, stout, able-bodied man, a United States marshal and present ?—A. Well, he was there.

Q. He was there to protect you in your right to vote, if you had a right to vote ?—A. Yes, sir; I suppose he was.

Q. Do you know whether or not you had the right to vote at that poll ?—A. I should think I had a right to vote there.

Q. That is your idea ?—A. Yes, sir.

Q. But, do you know whether or not you had a right to vote there ?—A. I don't know that I was any further; I don't know any more than what they said; I couldn't read and write; I don't know.

Q. Did you vote at any other precinct on that day ?—A. No, sir.

Q. You did not vote at all ?—A. No, sir.

217 Q. Do you know whether or not the transfer that you made immediately preceding the election, or the removal from one place to another, interfered with your right to cast a ballot at that particular poll ?—A. I don't know anything about it.

Q. You don't know the date at which you moved to 1717 North Main ?—A. No, sir; I never know the exact date—the day.

Q. You do not know the date at which you moved to or your removal from 1600 Broadway ?—A. I do not; I never kept any memorandum.

Q. You do not know the date at which you moved to or removed from twelve hundred and something Biddle ?—A. I do not know; but it was awhile before the election; a month or so.

218 Q. You didn't go to the city hall after your removal ?—A. No, sir; I didn't go to the city hall before I moved on Broadway, 1620.

Q. You didn't go there to notify them of any change of residence ?—A. No; no, sir; not at all.

Q. Now, you have stated that you were bulldozed; will you please define what you mean by the word "bulldoze" ?—A. Well, if a parcel of men who was around there, and was talking loud, and was cursing and calling me a G—d d—d nigger, or something like that. I know that was bulldozing; because I always thought it was right for a man who has a right to go to the poll and vote, and to let him vote there, and

219 that they ought to let him go and cast his vote, and then go about his business ; that was the way I was used to do it in every other State before I come to this State.

Q. Then, if a man comes up to you and disputes your right to vote, you regard that as bulldozing ?—A. Yes, sir ; and it was very hard of them to do so. I just considered that I lost a vote here, and that is the first time.

Q. Did anybody, at that poll, address you personally ?

WITNESS. Address me personally ?

COUNSEL. Yes.

A. I don't know as they did ; because I didn't give them time. I stood awhile, I guess nearly an hour afterwards, and I saw it was not getting better and I left.

Q. You were not harmed in the least ?—A. I was hurt in my feelings ; they said that no G—d d—d nigger couldn't vote there.

220 Q. And you disliked to hear some people talk of your race in that way ?—A. Why, yes, sir.

Q. And that is what you call bulldozing ?—A. Yes, sir ; it hurts me much when I go to do anything, and I am all ready, and then get disappointed in it, when I wasn't doing any harm ; they didn't know who I was going to vote for, whether Democrat or Republican ; so I didn't give them a chance to say much to me, but I left.

Q. You don't know what was on your ticket ?—A. The man that give it to me, I seed him give it to a good many colored men ; and he said it was a Republican ticket ; it was the ticket I "quired" for, and he "quested" them to give it to me.

221 Q. And you do not know whether or not, under the law, it was the proper place for you to vote at ?—A. I guess it was pretty much in my district where I live ; I thought I had a right to vote there ; I didn't know.

Q. You don't know to what extent your transfer interfered with your right to vote at that particular poll ?—A. Because I didn't get any ticket when I registered my name ; that was the first time I done registered.

Q. And after you registered you changed your residence ?

WITNESS. Changed ?

COUNSEL. After you registered at the city hall you changed your residence ?—A. No, not until the election was over. I didn't move not before the election was over.

Q. Why didn't you get a ticket ?
222 WITNESS. Why didn't I ?

COUNSEL. Yes.

A. There was a good many with me that didn't get any either ; the man that keeps my house there, he got no ticket either. I didn't ask him for any ticket. The man said there was no ticket.

Q. You can't tell me now the date of any removal ?—A. No, sir ; I can't tell the date ; no, sir, I can't.

Q. When you moved to or from any of the places that you have stated ?—A. No, sir.

Q. Who brought you to the registration office ?

WITNESS. Who brought me there ?

COUNSEL. Yes.

A. I went there ; I went where I saw the biggest crowd, and that was the place.

223 Q. Who told you to go there ?—A. I went there myself ; no man talked about it to me ; I went there.

Q. Do you recollect the date of registration?—A. No, sir; positively I do not remember the day at all.

Q. Do you remember whether or not your name was placed on the books?—A. He took me, and he asked me my name; he asked me how long I had been there; he "sot" it down, and I pushed right out; I didn't spend any time there; there was so many men there before and after me.

Q. So you didn't go to the window?—A. I got near enough there to see what they was doing.

Q. You didn't offer your ballot to the judges?—A. It was useless for me to do that.

224 Q. That is, in your judgment it was useless for you to go up there?—A. Yes, sir; I saw there was better looking men in front of me and they were turning them out, I was doing like the rest of them.

Q. The negroes that were refused their vote at that poll, some six or eight, were refused because they had lived in one house, 1600 North Main?—A. Yes, sir.

Q. Don't you know that to be a fact?—A. I know.

Q. There was six or eight living at 1600 North Main, and they were the only negroes that were refused the privilege of voting on that day?—A. They didn't know anything about it, I suppose; they didn't know how many.

Q. I ask you whether or not you didn't ascertain the fact at 225 the poll, that all the negroes, some six or eight, who were refused the privilege of voting there were all from the same house?—A. I never heard any remark about what house they were in; they said, "No G-d d—d nigger" that is what I understood. But I know there was a good many that didn't get a chance to vote that were ahead of me.

Q. Don't you think you were rather hasty in leaving that poll?—A. No, sir.

Q. Don't you know that you were rather hasty to leave that poll before ascertaining the reason why these negroes, and these alone, who registered from that particular house were refused the privilege of voting?

(Mr. Pollard, counsel for the contestant, objects to the question 226 because it is a suppositional case which has been disproved by the evidence in the case; and, further, because it is the evident object of the counsel for the contestee to consume time.

Mr. Donovan, counsel for the contestee, objects to the objection of Mr. Pollard in this case, because the counsel for the contestee is not endeavoring to consume time, but simply endeavoring to elicit the truth in this cause, and believes that his question embodies the testimony as it has been previously given in this cause.)

A. I stood there an hour afterwards. I staid and stood there and looked on, and it was not getting any better, and I left.

Q. You never offered your ballot at all?—A. It was useless for me to go up there.

227 Q. Didn't you see negroes vote at that poll on that day?—A. I seen them try to.

Q. Didn't you see them vote, and their votes received?—A. No, sir; I didn't see that.

Q. Don't you know that negroes voted at that poll on that day?—A. No, sir; I do not.

Q. Didn't see any negroes vote at that poll on that day?—A. No, sir; no, sir; no, sir.

Q. Well, now, if it is a fact that the votes of negroes were received

at that poll on that day, don't you think that you were altogether too hasty in leaving the poll when you were in the neighborhood of the window and in the line of voters?—A. No, sir; if I wanted to vote they wouldn't let me; anyhow I come there to vote, but they wouldn't have let me. I am just talking now of what I seed when I went there.

228 Q. How long were you there?—A. Well, from the time I was in the line I don't remember how long it was; as near as I can come at it, I got out of the line about an hour. I saw they were all coming back when I did. Them that put their votes in didn't, of course, step out; but all those I know didn't vote.

Q. You don't know the fact that all these negroes that were refused the privilege of voting lived at one particular house?—A. No, sir.

Q. Any other negro presenting his vote and not living there was received?—A. I don't know about that; I don't know anything about that.

229 Q. Did you leave that line because you had particular business to attend to?—A. No, sir; not any particular business. When I left the line it was because I knewed that it was useless for me to try to go there and try to vote, because there was better looking men up there than I am, and they couldn't cast their vote.

Q. What was your occupation that day?—A. Well, I have been on the levee when I can get any work to do there.

Q. Did you go down to the levee after you left the line of voters?—A. No, sir; I hated to see that I couldn't vote, and I went home. I didn't feel well. I didn't like it.

Q. Where did you go to after you left the line of voters?—A. I 230 went home to my house where I rent.

Q. Without ascertaining the fact as to whether or not you could vote at that precinct?—A. Certainly. I didn't see what reason there was why they wouldn't let us vote. They turned off a good many ahead of me, and I was in the same difficulty too.

Q. But did you know that these people they turned off lived in the same house?—A. No, sir; I didn't know it at all.

Q. And you never asked them?—A. No, sir; no, sir. There was a good many men living in one house, but I don't know anything about it. I didn't seek into that business at all; it was not my business.

Q. How close were you to the window when you left the line 231 of voters?—A. I guess about as near as from here to that window there.

Q. How many feet?—A. I couldn't exactly tell; about ten feet, I guess, as near as I can come at it.

Q. How long would it have taken you to continue in this line which had been formed in single file, white men and colored men, to reach the window?—A. Oh, it would have taken me a good little while if I had staid there.

Q. Ten feet from the window, how many voters were in front of you in this single file?—A. I never took notice how many.

Q. About how many?—A. Couldn't tell you.

Q. How many voters can stand within the space of ten feet, in 232 single file, one behind the other?—A. Well, sir; I just can't tell you.

Q. Was there five men in this single file or line between you and that window?—A. Oh, yes, there was five men.

Q. Was there six?—A. I don't know. I know there was five and more too; at least I thought so.

Q. Was there six?—A. I didn't count them.

Q. Well, approximate?—A. I didn't count them, mister; I don't know.

Q. Was there ten?—A. I don't know, sir.

Q. Was there twenty?—A. I don't know, sir. I never counted them at all.

Q. Was there one?—A. Oh, yes, there was one.

Q. Was there one or twenty?—A. I don't reckon there was twenty. I guess it was about ten feet, they stand pretty close in a crowd. I don't know how many there was; I never took no notice either 233 I suppose there was in ten feet about ten men; it might have been ten.

Q. Were they white or colored?—A. Well, they was mixed.

Q. Why, if you were within ten feet of the poll, did you not take the trouble to present your ballot at the window inasmuch as it wouldn't take long to pass upon the votes of ten men?—A. Them that was ahead of me was coming out.

Q. And that was the reason that you left—left on general principles?—A. Men was cussing at me.

Q. Left because you were just too lazy or too indifferent to take the trouble to present your ballot as a gentleman to the judges and see what action they would take upon it?—A. We wanted to do it 234 but the men was talking so much down there and cussing and going on it was enough to excite any one, and it excited me. I just tried to get there.

Q. You were told to say this on the stand?—A. No, sir.

Q. You were drilled in the drill-room, were you not?—A. No, sir.

Q. Did not somebody tell you to swear to that here?—A. No, sir; I didn't let nobody tell me.

Q. Did not somebody tell you that you must say that thing on that stand?—A. No, sir; no, sir; no, sir.

Q. Did you tell anybody what you were going to state on this stand?—A. No, sir; just to tell what I have seen.

Q. Did you converse with anybody in regard to this case; to 235 any agent of Mr. Sessinghaus in regard to the testimony that you were to give on this stand?—A. No, sir.

Q. Do you know any of them?—A. Know any of them? No, sir; I don't know any of them.

Q. You never spoke to anybody about these instances?—A. No, sir; I did not.

Q. Never had any conference or conversation with anybody regarding the affairs that you are now telling?—A. No, sir; the next morning I got up and went to work on the levee.

Q. And never since had any conversation?—A. No, sir; never thought of it.

Q. Never talked with anybody?—A. No, sir; no more than I asked the boys if they voted and they said no.

Q. But not with anybody connected with this case?—A. Well, 236 as I go only with colored men, I don't know whether they were connected with this case or not. I don't know whether they voted or not; they said no.

Q. You never said anything to anybody that is interested in the prosecution of this cause regarding the facts that you are now telling?—A. No, sir; no, sir; no, sir.

Signature waived.

237 WILSON LEE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Wilson Lee.

Q. Where do you live?—A. 1606 North Main.

Q. How long have you lived there, Lee?—A. Well, I have been living there now between eight and nine months.

Q. Where did you live before you went there?—A. I just lived down here on the railroad; down towards the union depot.

Q. How long have you been living in Saint Louis?—A. I have been living here last September a year ago.

Q. Where were you born?—A. I was born in Kentucky.

238 Q. Have you ever lived in any other State except Kentucky and Missouri?—A. No, sir.

Q. How old are you?—A. I don't know.

Q. About how old?—A. I am between thirty—about thirty I reckon.

Q. You are a colored man?—A. Yes, sir.

Q. Used to be a slave?—A. Yes, sir.

Q. Were you registered here last fall?—A. I was.

Q. Where were you registered?—A. Up at the city hall.

Q. About how long before the election?—A. About three weeks.

North Main, at the Williams place.

Q. When you registered did they give you a ticket?—A. Yes, sir.

239 Q. Did that ticket tell you what precinct to vote at?—A. Yes, sir.

Q. Which precinct? Was it precinct thirty-nine?—A. Yes, sir.

Q. Did you go to that precinct on the day of election to vote?—A. I did.

Q. Did you have a ticket or ballot?—A. Yes, sir.

Q. What was it, Republican or Democratic?—A. Republican ticket.

Q. It was a Republican ticket that you had?—A. Yes, sir.

Q. Whose name was on it for Congress, Sessinghaus or Frost's?—A. Sessinghaus.

Q. Did you offer to vote there that day?—A. I did.

240 Q. Was your vote received there that day?—A. It was not.

Q. Why not?—A. They told me that I hadn't been there long enough.

Q. Did they raise any other objection?—A. They carried me inside and wanted to know—I walked right in there, and there was several men there, and I says, "What is the reason that I can't vote"? And he says, "Well, I can't find your name on this book." I just talked right out there and wanted to vote, but they said I would have to go to the city hall. So I went up to the city hall after they said they couldn't find my name, and told those men up there. He looked around

and he says, "I haven't got any time to look for your name." I 241 says, "Now is the time for you to look for that name; I want to know why you haven't got it." He says; "I can't find it now," and I walks right out again and goes back as quickly as I can walk down there, and I staid there an hour I reckon; then I went back and stood around there and talked to Read; he asked me if I voted? I says, "No, sir."

Q. Well, did you offer again to vote?—A. I stood an hour around there; that hour I stood off, and didn't get near the window but once

in the afternoon—about five o'clock I reckon. I made another bolt t
go up to the window, and I got right up, and it got so ver
242 warm there it looked as if there was going to be a fight: an
I says, "Gentlemen, let me step aside." I saw that it wa
getting so bulldozing there; it was getting red hot; it looked lik
they were going to do something; two white men gave me a chance
and I stepped out; it was getting too warm for me there, so I gets righ
out and goes down to the house and stays there. I see'd them wal
around there as if they was going to follow me, and they did follow
me to see where I was going, but I went home.

Q. Was your name on the registration list or on the book they ha
up there?—A. It was up there; but it couldn't be found at the city ha
when I went back.

243 Q. It was on what book?—A. It was at the city hall; it wa
not on the book there at the polls.

Q. Did you register at the city hall?—A. Yes, sir; I did.

Q. Did you offer up there to be sworn in again?—A. No, sir.

Q. On that day?—A. No, sir.

Q. Did they permit you or ask you to be sworn again?—A. No, sir.

Q. State whether or not it was a hot day. You say it was gettin
hot there; was it a hot day?—A. It looked to me as if they was goin
to have a fight; they was cussing and going on, and saying that n
G—d d—d nigger shouldn't vote there; that is just what they said

244 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Now, your name was not on the book at the polling precinct No
39, and that is the reason that the judges didn't receive your ballot?—
A. He said it was not there when I went up the first time; he says
"Let me see your ticket." I handed it in to him, and he keeps it.
Then when I come into the room where he was I goes around to
where he was and I asked him could I vote, and he says, "You can't
vote." At six o'clock I came back, and they said, "I have found you
name." I says "All right," and I stepped out and I staid abou
245 an hour or more, or maybe longer, and I stepped then in line
again. There was white and colored men in that line trying to
get up to vote, and one man there—I don't know who he was, I don't
remember him—he says, "Step up there and jab your ticket in, and be
in a hurry about it, because it looks as though they are going to have a
fight," but I didn't do that; I stepped out.

Mr. DONOVAN. Go on and make the fullest explanation that you can
make of this subject.

A. He says then to me, he says, "You can't vote, old man; don't
come back here any more." This was a man that was standing around
there.

Q. When was that stated to you?—A. That was stated after I com
back the third time.

246 Q. I thought you only came back twice?—A. Wouldn't tha
make twice? Hadn't I been at the city hall and back, and staid
half an hour?

Q. Your statement, as I recollect it, as given in your direct exami
nation, is this: that you went to the polls to cast your ballot, and the
judges said they couldn't find your name upon the list; that you then
went into the room; that you examined into that fact, and finding tha
your name was not on the book, you then went to the city hall to see
about it; then you returned from the city hall and took your place in
line, and it got so hot that you left the line, but didn't offer your bal

lot the second time. Is that what you have testified to or not ?
 247 —A. No ; I say this : he said to me then (this is the third time that I went up), he says, "Old man," the policeman says, "stand up here." I hadn't said nothing to him at all. I says, "May be I will get to vote this time." I stood there awhile, but they was going on and hurraing around there so—more than I had ever seen before in my life ; it got so very warm there.

Q. It got warm ; how ?—A. Why cussing the negroes.

Q. Was it a hot day ?—A. It was a hot day with me and them, sure as you're born.

Q. Have you got any more to say ; have you finished your piece ?—A. I came around and staid there all the while. I saw there was no change, and I goes home ; I went straight home. I didn't work 248 that day.

Q. How often did you place yourself in the line of voters approaching that poll ?—A. Only once.

Q. You placed yourself in the line of voters only once ?—A. Yes, sir.

Q. Now that is absolutely the truth ?—A. It is.

Q. You would not be able to present your vote to the judges unless you placed yourself in the line of voters !—A. Of course. I couldn't get to the window. It was too warm for me to get to the window.

Q. So after you had been informed that your name didn't appear upon the registration list of voters at that precinct you did not more than this one time place yourself in the line of voters ?—A. I did not, sir.

249 Q. And therefore did not present your ballot again to the judges ?—A. No, sir.

Q. What is your business, Mr. Lee ?—A. Working on the levee.

Q. As a rouster ?—A. No, sir ; I have been working in the tobacco factory off and on for a week.

Q. Whose tobacco factory is this ?—A. Up here on Mulberry street. I don't know whose it is.

Q. Don't you know who owns it ?—A. No, sir ; I never questioned that.

Q. Don't you know the name of your employer ?—A. No, sir ; I don't know his name.

Q. How long have you been working there ?—A. About three (3) weeks.

Q. Prior to that time you were working on the levee ?—A. No, 250 sir ; not in this cold weather. I was working in Mr. Shorbes's store on Broadway.

Q. How long did you live near the union depot, in the southern portion of the city ?—A. I staid there, I reckon, about six months or more.

Q. Do you know the date at which you came to the city ?—A. I do not, sir.

Q. You came here from Alabama ?—A. No, sir ; from the South.

Q. What State ?—A. Louisiana.

Q. You came here from Louisiana and don't know what date you arrived here ?—A. No, sir.

Q. You don't know the month ?—A. No, sir.

Q. Nor the year ?—A. No, sir ; it was last September a year, if that is what you ask.

Q. That is what I am asking you. How came you——

251 WITNESS (interrupting). I misunderstood you.

Q. Now, most of the negroes——

WITNESS (interrupting). Last September a year ago.

Q. Now, most of the negroes that have got upon that stand t
have thus far testified in this cause, have always placed Septembe
year ago as the time at which they arrived in the State of Misso
Now, will you please tell me who told you to make that remark u
the stand?—A. Nobody.

Q. I inquired from you as to what date you came here, and you t
me you don't know; I asked you the month, and you told me you do
know; I asked you the year, and you told me you don't know; &
without being asked any further questions about it, you make
252 almost the same language that all previous witnesses have ma
the statement that you came here "September a year ago."—
That is right.

Q. How do you know that is right?—A. Because I know that
right.

Q. How do you know that is right?—A. Because I do.

Q. Why didn't you tell me that you came here "September a y
ago," when I asked you the question?—A. Didn't I tell you that
first time, or the second time, which was it?

Q. I asked you this a moment ago what time you came here; I asl
you the month; I asked you the year, and to each question you
swered you didn't know; and now I ask you how come you
253 suddenly to say, "September a year ago." I ask you the quest
because the same answer has been given by many witnesses
this case, all of them negroes?—A. I know that is right; that is a
can say.

Q. How did you come to suddenly recollect it after you said you
didn't know?—A. Because you were talking so fast; I was trying
see what you were talking about.

Q. But I was not talking fast when I asked you what month you
came here in?—A. Didn't ask me in that language.

Q. I didn't ask you in what month you came here?—A. I didn't
derstand you.

Q. I didn't ask you in what year you came to this city?—A. Y
sir.

Q. Did I or did I not?—A. Yes, sir.

254 Q. And you answered me you didn't recollect?—A. Yes, I
I did.

Q. After you left the polls on election day, where did you go to?—
Went home.

Q. From whom did you obtain the ballot that you had in your ha
that you presented?—A. I don't understand what you mean. O, Read
gave it to me.

Q. Who is Mr. Read?—A. A colored man.

Q. A previous witness in this case?—A. Yes, sir.

Q. I believe you stated you can't read?—A. No, sir; I can't read.

Q. Then you couldn't read the name of Sessinghaus on the ticket?
A. No; I don't know "B" from bull.

Q. Did you speak with any one?—A. No, sir; I did not.

255 Q. Concerning the testimony that you were to give in t
cause?—A. I did not.

Q. With neither of the attorneys?—A. I did not.

Q. Nor with Mr. Sessinghaus?—A. I did not.

Q. Nor with any of his agents?—A. No, sir; I did not.

Q. Did you speak to nobody whatsoever about the facts you are t
ing?—A. No, sir; I did not.

Q. Prior to your coming to this room ?—A. I did not.

Q. You came from Louisiana or Kentucky ?—A. I come from Louisiana.

Signature waived.

256 JOSEPH BAILEY produced, sworn, and examined, on the part of the contestant, deposeth and saith:

Direct examination by MR. POLLARD:

Question. What is your full name, Mr. Bailey ?—Answer. Joseph Bailey.

Q. Where do you reside, Mr. Bailey ?—A. I live number 1717 North Main.

Q. Where did you live last election day ?—A. Well, sir, that is where I have been living for the last twenty years.

Q. Where were you born, Mr. Bailey ?—A. I was born in old Virginia, sir.

257 Q. You never have been out of the United States ?—A. Never have been.

Q. How old are you ?—A. I reckon I was about fifty now. .

Q. How long have you lived in Saint Louis ?—A. Well, I was here for nearly twenty years, in Saint Louis.

Q. Did you register last fall ?—A. I registered three weeks before election, sir.

Q. Where did you register ?—A. Down here at the city hall.

Q. When you registered, did they give you a ticket ?—A. They didn't give me no ticket at all; they said they had my name.

Q. Did you go to precinct thirty-nine to vote on election day ?—A. Yes, sir.

Q. Did you vote ?—A. No, sir; they wouldn't let me vote.

258 Q. Did you have a ticket with you ?—A. Yes, sir. I told them I was a Union man, and I wanted to vote a Union ticket.

Q. Did you have a Republican or a Democratic ticket ?—A. I was a Republican man. I have always voted a Republican ticket.

Q. Was Mr. Sessinghaus's name on this ticket for Congress ?—A. Well, I don't know, sir; whether he was or not, but I had a ticket.

Q. Did you have a Republican ticket ?—A. Yes, sir.

Q. Or a Democratic ticket ?—A. Republican ticket.

Q. Was it a straight Republican ticket ?—A. Yes, sir; a straight Republican ticket.

Q. From top to bottom ?—A. Yes, sir.

(Mr. Donovan, counsel for the contestee, objects to the question because if the gentleman couldn't read it he couldn't testify to the fact as to whether it was a Republican ticket or not.)

By MR. POLLARD:

Q. Did you vote ?—A. No, sir; they wouldn't let me.

Q. Why not ?—A. I don't know, sir.

Q. Why did they say they wouldn't let you vote ?—A. Well, sir; I went to the poll and handed my ticket through the window, and he says, "I have got no use for that ticket;" and he looked over it and says to a man standing at the table, who had a book, "I don't see his name there." I was not satisfied you know—

Q. Did they look for your name; did they say whether they had your name on the book ?—A. They said they couldn't see my name on the book.

260 Mr. POLLARD. They must have been blind, for it is on her twice.

(Mr. Donovan, counsel for the contestee, objects to that statement for the reason that the book which Mr. Pollard now holds in his hands is not a record of the registration.)

By Mr. POLLARD:

Q. Did they make any objection to your voting; that your name was not on the book; did they say they couldn't find your name?—A. They said they couldn't find it, and gave me back my ticket. I went four times, and staid there about an hour.

Q. Did they make any further complaint?—A. They wouldn't let me vote. I went back there four times; they said they hadn't go 261 my name there, and I couldn't vote; so I went off to one side and I thought it was very hard that I couldn't vote.

Q. State whether you ever voted in Saint Louis before.—A. Oh, yes I have been voting here all the time. I always went down and was registered, and voted before this time, and I thought it was very hard because they wouldn't let me vote. I staid about an hour.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You came back four times?—A. Four times, sir.

Q. You got into the line each time?—A. They denied me four times I went and stood there about a half hour after that; I went to the poll after 4 o'clock again.

262 Q. My question was, if you got into the line of voters each time?—A. Yes, sir; that is right.

Q. What was the largest number of men that were ahead of you in that line at any one time?—A. Well, I don't know, sir; the men were scattered mighty when I tried there. There couldn't be found many men in the line; they were scattered about every which way.

Q. It is customary to form a line, single file, one behind the other, on election day, is it not?—A. Yes, sir; that was so, but they was mighty scattered around there. Not many was standing right behind each other.

Q. How many men were there in this line between you and the window at which the judges sat?—A. When I got there, ther 263 was no man between me and the window. I shoved myself right ahead to the window, and when I got there they denied me, and sent me back again. Well, I stood awhile, and I thought to myself must go again; so I shoved myself forward again, and he denied me again. I got back and stood a good while—about twenty-five minutes I reckon—and then I went into it again. Well, then some of the men says, "Old man, you better go up and put your vote in." I said, "As soon as I can get a chance I will go back and try them again." Well I stood about twenty-five minutes, I reckon, and went back again, and they turned me off from the polls again.

Q. Were there white men and colored men in front and behind you in this line?—A. A colored man was behind me, and some whit 264 men on one side; they wasn't in front. They stood off to one side when I went forward. They stood on this here side (indicating).

Q. These white men gave you a chance to go to the window?—A. The last time a white man came back to me, and told me to go away that I had been there four times, or he would have me arrested.

Q. And that is what occasioned him to take you back, because he

said you ought not to bother the judges any more after they had passed on your case?—A. Yes, sir.

Mr. DONOVAN. I must again insist that counsel for the contestant shall not instruct the witness what he is to say and what he is not to say.

265 Mr. POLLARD. I am not instructing him what not to say, or what to say. I simply want him to answer your question.

By Mr. DONOVAN:

Q. So the only interference that you met with at that poll was when you came there the fourth time and persisted in depositing a ballot?—
A. Yes, sir.

Q. When did you move to 1717 North Main?—**A.** Well, I have been living there for the last twenty years. I never have been gone away from there. That has been my home ever since I come to Saint Louis.

Mr. DONOVAN. I again object to this interruption of Mr. Pollard's, and to his instructing the witness.

Mr. POLLARD. I insist on suggesting to the witness that he answer the question, and that he stop his rambling conversation. That is all I am trying to do.

266 By Mr. DONOVAN:

Q. How often did you vote in the city of Saint Louis?—**A.** Well, sir I have been voting all the time—every time a man—I voted for General Grant, and every time he was elected I voted for him.

Q. At the city of Saint Louis?—**A.** Yes, sir; right here; and I got registered down here at the city hall every time.

Q. Did you vote at this precinct?—**A.** Yes, sir; at the same place; pretty much at the same place.

Q. Pretty much the same place?—**A.** Right against the same place, sir; the west side; west of the main street on that side (indicating), and then they moved it on this side (indicating).

267 Q. Do you know whether that is or not the proper precinct for you to present your ballot at?—**A.** They moved it, and I had to move too.

Mr. POLLARD. He asks you if this was the proper precinct for you to vote at.

A. Yes, sir; it was.

By Mr. DONOVAN:

Q. That is what you think it was?—**A.** Yes, sir.

Q. Somebody informed you of the fact?—**A.** Yes, sir; they told me it was the right place.

By Mr. POLLARD:

Q. Have you got a son named Joseph Bailey?—**A.** Yes, sir; my name is Joseph Bailey.

Q. Have you got a son named Joseph Bailey?—**A.** Yes, sir.

268 Q. Where does he live?—**A.** He lived down on Main street with me; that is, my stepson Joseph; I have got a daughter.

Q. I don't want to know anything about your daughter; just answer my question. You have a stepson named Joseph Bailey that lives with you?—**A.** Yes, sir.

Q. How old is he?—**A.** Well, sir, I don't know; he is about twenty-five; along there.

Q. Where is he?—**A.** He was here to-day.

Q. He is here, is he?—**A.** Yes, sir.

(Mr. Donovan, counsel for the contestee, objects to asking this wit-

ness about his son, Joseph Bailey, when he is present here; ready to testify.)

Signature waived.

269 GEORGE LELAND, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. George Leland.

Q. Where do you live?—A. 1600 North Main.

Q. How long have you lived there?—A. I lived there ever since the 15th of April,

Q. How long have you lived in the city of Saint Louis?—A. Well, I have been here since June before this last.

Q. A year ago last June?—A. Yes, sir.

Q. Where did you come from here?—A. From the State of Mississippi.

270 Q. Were you born in Mississippi?—A. No, sir; I was born in North Carolina.

Q. How old are you?—A. I suppose I am now about fifty-one years old.

Q. You are a colored man?—A. Yes, sir.

Q. Have you ever lived in any other State except North Carolina, Mississippi, and here?—A. No, sir.

Q. You have never lived out of the United States?—A. No, sir; I have lived in Louisiana.

Q. But never have lived out of the United States?—A. No, sir; I have not.

Q. Did you register this last election?—A. Yes, sir.

Q. Where?—A. At the City Hall.

Q. Did they give you a ticket when you registered?—A. No, sir; they did not.

Did you go to precinct thirty-nine to vote on that last election day?

—A. No, sir; I didn't get there; I started there.

271 Q. Why didn't you?—A. They said there couldn't no man from that house vote.

Q. You understood that?—A. Yes, sir.

Q. How far did you go?—A. I got up on Broadway.

Q. On your way to the polls?—A. Yes, sir.

Q. Who did you learn this fact from?—A. Well, it was some of the men that lived at the house that I met; I met two of them and they said it was no use to go up there, that I couldn't vote.

Q. Had you a ticket with you to vote?—A. Yes, sir.

Q. What was it, a Republican ticket or Democratic ticket?—A. Re publican ticket; so they told me.

272 Q. A straight Republican ticket?—A. Yes, sir; a straight Republican ticket.

Q. Did you intend to cast that ticket at that election or not?—A. Yes, sir; I allowed to.

(Mr. Donovan, counsel for the contestee, objects to this useless consumption of time in asking a witness how he probably would have voted if he had gone to the polls, when he never went near the poll at all, and never attempted to cast a vote.)

By Mr. POLLARD:

Q. Were you afraid to go to the poll?—A. After they told me that

they didn't let them vote, or anybody from their house, I didn't go there.

Cross-examination by Mr. DONOVAN, counsel for contestee:

273 Q. Who gave you the ticket?—A. Elder Knapper.

Q. How far is your business place from your residence?—A. My business place? Well, it has been about four miles where I been working.

Q. Did you do any business on that day?—A. Yes, sir.

Q. What were you employed at?—A. Digging potatoes.

I went after I seen I couldn't vote, although I wanted to.

Q. Did you dig potatoes that day?—A. Yes, sir.

Q. Was the place at which you were digging potatoes north or south of your residence?

WITNESS. North or south of my—it is a kind of northeast.

Q. In what direction from your residence was this poll?—A. It was kind of northwest.

274 Q. How far toward the poll did you walk?—A. Well, when I got down there by the weighing machine I met a man coming, who told me it was no use to go; they said that they shouldn't none vote from that house. I couldn't tell how many yards that is.

Q. How far from 1600 North Main did you walk?—A. Well, it is two blocks up to Broadway; then I went about a block and a half up Broadway.

Q. How near did you get to the poll at any time during that day?—A. When I turned back? I turned back, and didn't make any more effort.

Q. How far was the poll from the place where you turned back?—A. I couldn't tell you.

275 Q. About how far; about how many blocks?—A. I couldn't tell you exactly.

Q. Was it five blocks?—A. No, sir; I suppose not.

Q. Two or three?—A. I suppose about a block and a half.

Q. So you never approached the poll at all?—A. No, sir.

Q. You just took the word of some of these men that resided at 1600 North Main, that it would be idle for you to cast your ballot?—A. Yes, sir.

Q. Or idle for you to present it, because some of the people that were living in that house were denied the right to have their ballot counted?—A. They said that they had been told that they shouldn't none vote, and I knowed that I was in that house.

276 Q. None should vote from that house?—A. Yes, sir; so I went on to my work.

Q. How long have you lived at that house?—A. Well, I was there the 15th of April; the 14th of April I landed there.

Q. How many negroes reside in that house?—A. Well, I couldn't tell you.

Q. About how many?—A. I never took notice; I suppose it is eight or nine, I reckon.

Q. Can you give their names?—A. Well, I can call some of their names.

Q. Give them?—A. Sam Windom, Cain Rollins, Walter Harris, Charles Foster.

Q. Is that all you know?—A. Them is all—them is not all that I know; there is Wilson Lee and Stewart Mack.

277 Q. You say you came to the State of Missouri in June, 1880? WITNESS. 1880.

Q. June of last year?—A. June—this last June was a year that I come to the State of Missouri.

Q. That was June, 1880; that was last year?—A. This last June it was a year ago.

By Mr. POLLARD:

Q. That would be 1879?

By Mr. DONOVAN:

Q. Well, is it 1880, or 1879?—A. It is 1879.

Q. Have you been out of the State since you came here?—A. No further than going across the river and working, and coming back.

Q. In Illinois?—A. Over the river, sir; working and coming home Saturday nights.

Q. You are a married man?—A. Yes, sir.

278 Q. Have a family?—A. My family—

Q. Where is your family, Mr. Leland?—A. Right there at 1600.

Q. Since when?—A. Ever since the 15th or 14th of April.

Q. Did you ever vote in this city before?—A. No, sir; I never have.

Q. Do you know whether your name is on the registration books or not?—A. Well, I couldn't tell. I went there to register, but whether they took my name—they didn't give me no ticket—I couldn't say what they done.

Q. Well, you didn't take the trouble to go to the polls?—A. No, sir; I didn't go there.

Q. You didn't take the trouble to ascertain whether or not the 279 judges would have rejected your ballot if you had presented yourself?—A. No, sir; I just took their word and went on.

Q. Can you read or write?—A. No, sir.

Q. Did you read the name of Sessinghaus on your ticket?—A. No, sir.

Q. You don't know whether it was there or not?—A. No, sir; I would just have to leave that to the honor of the man.

By Mr. POLLARD:

Q. Isn't this a fact, that these men whom you met coming back from the polls told you that they had been driven away from the polls and not allowed to vote?

(Mr. Donovan, counsel for the contestee, objects to the question because it is placing words in the mouth of the witness, when he 280 has already stated what these men said to him, and it is an endeavor to establish in this manner a reference to people being driven away from the polls, when the witness has said nothing about this, either in the direct examination or in the cross-examination.)

A. That is what they said.

Signature waived.

281 S. S. BINGHAM, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Silas or Cyrus S. Bingham.

Q. Benman or Bingham?—A. Sir? I don't know, sir.

Q. Where do you live?—A. I live up on Main and Mullanphy.

Q. Whereabouts on Main street—what number?—A. I can't think of the name and number, to save my life.

Q. Corner of Main and Mullanphy?—A. Yes, sir; right down here on this street (indicating).

Q. On the corner of Main and Mullanphy?—A. Yes, sir.

Q. Then it must be that you live at this house, number 1600
282 North Main?—A. I don't know the number, gentlemen.

Q. Isn't it in this house that they use for a church?—A. Yes, sir.

Q. 1600 North Main?—A. Yes, sir.

Q. How long have you lived there?—A. I have been living there some six or seven months.

Q. What month did you go there in?—A. I went there—I moved there last March.

Q. How long have you been living in St. Louis?—A. I have been living in St. Louis, it is going on two years—a little over a year and a half.

Q. What month did you come in?—A. July.

Q. A year ago last July?—A. Yes, sir; a year ago.

Q. What State did you come from here?—A. Louisiana.

283 Q. Were you born in Louisiana?—A. Yes, sir.

Q. Have you ever lived in any other State but Louisiana and here?—A. No, sir.

Q. How old are you?—A. Going on forty-five.

Q. You are a colored man?—A. Yes, sir.

Q. Have you a family?—A. Yes, sir.

Q. Did you bring your family with you when you came here?—A. No, sir.

Q. Where are they?—A. They are here now.

Q. When did they come here?—A. They came up last year.

Q. What time last year?—A. Let me see, what is the time that they did come up. I came up in July—

Q. How long after you came up?—A. I came up July before last—I came up July last of this last year gone.

284 Q. How long after that before they came?—A. They came up last year.

Q. A year after you?—A. I wrote down for them.

Q. In what month did they come?—A. I think they came up in April—somewhere along about there.

Q. When you came from Louisiana here, did you come right to the city here?—A. Yes, sir.

Q. You didn't intend to go back?—A. No, sir; I didn't.

Q. You came here to remain; this was your home?—A. Yes, sir.

Q. Where did you live before you lived at 1600 North Main?—A. Well, when I first come here, before I sent my family up here, I knocked about on the levee, and staid there and done a little work; staid 285 at a lodging house, and paid five cents a night, you know.

Q. Lived around at various places?—A. Yes, sir.

Q. Did you register last fall?—A. No, sir; I did not.

Q. Did you go to precinct thirty-nine on election day?

WITNESS: Were I here?

COUNSEL: Yes; did you go to vote where they voted?—A. Yes, sir.

Q. Did you go there for the purpose of registering?—A. Yes, sir; I did.

Q. Did you register there?—A. No, sir; I did not.

Q. Why not?—A. The way I didn't register there was, they wouldn't allow me to register; that was the reason.

Q. Why not? What reason did they give for not allowing you to register?—A. They told me I hadn't been here long enough.

286 Did you offer to register then?—A. Yes, sir. I didn't get no closer to that polls. A man asked me there, he says, "Are you going to register?" and I says "Yes." He says, "By G—d, if you don't get away from here you will put in your checks, pretty sure."

Q. What ticket would you have voted if you had been permitted to vote, Republican or Democratic?

(Mr. Donovan, counsel for the contestee, objects to that question.)

A. Republican.

By Mr. POLLARD:

Q. You went there for the purpose of voting a Republican ticket?—A. Yes, sir; that was my intention; that was my whole heart, to vote that ticket.

Mr. POLLARD. There is no doubt about it in the world.

287 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. How long did you remain at the poll?—A. After he told me I couldn't vote I didn't stay there no time, sir; just walked right away and walked off; I came off because he told me he might have put me out of the way, and so I come in a hurry.

Q. How long were you there altogether?

WITNESS. Altogether?

COUNSEL. Yes.

A. I wasn't there but a half an hour till he got sight of me. Before I got close to the poll he told me to go away twice; I took him at his word; he told me he would arrest me if I didn't go away, and I thought I had better go.

288 Q. Now, there were many of your brethren present at the poll at this time, were there not?—A. No, there were not a great many there.

Q. There were white men and colored men present?—A. I don't know but there was some two or three colored men present; but there was more white Irish having their dinner buckets there than there was colored people.

Q. Going to work?—A. Yes, sir.

Q. Was this large man, this negro, who was a United States marshal and who left the stand a short while ago present?

WITNESS. Was he present?

COUNSEL. Yes.

289 A. I don't know, sir; I just knows—yes, sir, he was; he come up shortly after this man cut me off; I know the man.

Q. That United States marshal?—A. He came up shortly after the man cut me off.

Q. That big-bodied, big-muscled, double-breasted man sitting there?—A. Yes, sir.

Q. He came up?—A. Yes, sir.

Q. Did you talk with him?—A. No, sir; I did not. I didn't talk with him; I didn't know who he was, you know. I didn't know what the facts was, whether he could get me to vote or not.

Q. Didn't you tell him that some person had spoken to you rudely there?—A. No, sir; I didn't.

Q. Didn't you know that he would be willing to protect you in any right that you might have?—A. No, sir; I did not know it; if I

290 had known it I might have spoken with him. I didn't speak with him at all.

Q. Did you speak with any other colored man that was present at the poll?—A. No, sir.

Q. Why didn't you speak with them; you saw them there?—A. There was not many colored men there when I went up there.

Q. You saw some colored men?—A. There was a few there, but these Irishmen were there with their buckets, all going to work, and I didn't get up there.

Q. But you saw other colored men remaining there, why didn't you remain there?—A. I didn't see any colored men remain there.

Q. You just told me that there were colored men there?—A. I didn't know any colored man there that I saw there; the only colored 291 man that I saw there walked off the same time that I was cut off.

Q. He was the United States marshal?—A. Well, I didn't know him, sir.

Q. You didn't know that there was a United States supervisor at the poll, did you?—A. I heard there was going to be one there.

Q. Didn't you know that he was there with the judges, and prepared to preserve order and see that everybody got their rights at that poll?—A. I didn't know that, sir.

Q. You never went to the judges at all?—A. No, sir; I did not.

Q. And you were not registered?—A. No, sir; I were not registered.

Q. Were you engaged in any business on that day?—A. Well, yes; I had been working the day before, and I was expecting to get a 292 job that day, too; but I didn't get nary one.

Q. After you left the poll, where did you go to?—A. I went down here to this elevator, where I generally boost grain up in the barges.

Q. And went to work?—A. No, sir; I didn't get any.

Q. Did you go back to the poll again?—A. No, sir.

Q. Did you go back to your residence?—A. Yes, sir.

Q. What hour did you go back to your residence?—A. Well, I went to my residence; got there about twelve o'clock; I went there when I found that I couldn't get any work. Then I went down to the river, trying to catch wood.

Q. When you went back there and met the negroes that live in your house, did you converse with them regarding the voting at that poll?—

A. No, sir.

293 Q. Did you meet any of them when you got back?—A. No, sir; I didn't meet any of them.

Q. You were not particularly anxious to vote at that election; you would sooner go to work?—A. I would sooner have voted, too.

Q. Well, you were not particularly anxious; you would sooner go down the elevator, and go to work?—A. I would sooner vote. It pressed on my mind; it looked to me like I ought to vote.

Q. Were there not so many voters present at that poll that it would have delayed you some time before you would have had an opportunity of reaching the window?—A. Well, there was not so many there anyhow, but these Irishmen standing around there and shoving was too many for me.

Q. All anxious to vote?—A. Yes, sir; they looked as if they 294 were anxious to vote; but I didn't get up there before a gentleman cut me off, and wouldn't let me get there.

Q. How far was this from the poll?

WITNESS. Where he cut me off?

COUNSEL. Yes.

A. I was coming right towards where they were voting at, and somebody said, "Are you going to vote?" and I said "Yes." I thought he was going to tell me something what to vote, who to vote for, and he says, "G-d d-n you, if you vote here to-day, I will arrest you." Then there was a policeman standing up there, and I thought he ought to protect us. Then, presently, when this man come to me and talked to me, he cut me off from the polls, and he wouldn't let me get to the policeman, either.

Q. After this cutting-off process that you speak of was done, 295 you still remained there; you remained there after the cutting off, as you say?—A. Yes, sir.

Q. How long after he said this to you, did you remain?—A. I staid there awhile, may be half a minute after he spoke to me, and then I stepped out.

Q. Did you appeal to the policeman, or inquire of him what right anybody had to say that you shouldn't vote?—A. No, sir.

Q. Didn't you know, as a matter of fact, that the few negroes that were in that precinct not only placed themselves in line, but went to the window, and persisted in placing themselves in the line three or four times, and none of them were interfered with?—A. Yes, sir.

Q. Well, if you knew that fact, why didn't you insist upon 296 going there to the special registrar if you were anxious to register?—A. I was very anxious to register.

Q. But not disposed to take the trouble to do it?—A. Not disposed to be arrested in doing so; because a man told me if I did register there he would arrest me.

Q. He was not an officer?—A. I don't know who he was.

Q. You aint going to permit any man to meet you on the sidewalk and say if you register he will arrest you; you are not going to permit a statement like that, coming from a man that you don't know, prevent or interfere with any rights that you might have?—A. Yes, sir; but I didn't know what right that man had, you know; because I thought the policeman ought to have spoken to him.

297 Q. Why didn't you speak to the policeman if you were so anxious to register, and say that this man was intimidating you; that he said he would arrest you if you attempted to register?—A. I didn't know, because may be the policeman would say it is none of his business.

Q. And you say there was very few people there, and it was very quiet too?—A. Of course it was; I said so.

Q. Why didn't you go and inquire of the policeman had this man a right to say this to you? Can you give any reason why you didn't speak to the police officer?—A. No, I can't give any at all, because I thought may be the man—may be that was the man's business to speak to me.

Q. Can you give any reason why you didn't speak to any colored 298 men, if they were there, and inquire of them whether this was proper or not?—A. As I said before there wasn't a great many colored men up there; I might have asked them, but there was not anybody there but some Irishmen with their buckets on their arms.

Q. You said there were some negroes there just as you were turned off, and then you referred to this great big United States marshal?—A. He walked up then as I started to go up again.

Q. Why didn't you ask him whether that man had any right to speak to you in that manner?—A. If I had known he was a marshal I would have.

Q. But you saw he was a big, stout, able-bodied colored man and

299 able to stand by you and insist on any right that you might have there?—A. Yes, but you know I know one thing; that a big man aint much in the law if he aint right.

Q. Why didn't you ask, you being an intelligent-looking man, as to whether you had a right there to register or not?

(Mr. Pollard, counsel for the contestant, objects to the question as being utterly and wholly frivolous, the object seemingly being to waste time.)

A. Well, I should have asked him, but after the man had cut me off it was my intention then to go away, and when I went up there I went up there to vote.

By Mr. DONOVAN:

Q. Now, isn't it an absolute fact that you did not want to take the time nor the trouble to register on that day, but was anxious to go down to the elevator and see if you couldn't get a job of work?—A. I don't know how you look at it. It looks like I was very anxious to register that day after I was up there. I didn't go down to the elevator till after I went up there first; it looks like as if I was very anxious to register, and after that to go to work.

Q. But you were anxious to go to work?

WITNESS. Anxious to go to work?

COUNSEL. Yes.

A. Oh, yes; I was anxious to go to work; I wanted to get my business straight before I ever went to work.

Q. You wanted to get what?—A. I wanted to get my voting business straight before I got to work.

301 Q. But you were anxious to go to work there?—A. Of course, after I didn't get my paper in.

Q. Did this man strike you?—A. No, sir; he didn't strike me.

Q. Did he lay his hands on you?—A. No, sir; not at all. He come very close to me, though. He says to me, "G—d d—n you, if you vote here I will arrest you." He didn't strike me, but he scared me pretty bad, now.

Q. Were there more colored men there than this one? Were there more white men than colored men when you were there?—A. There was more white men than colored, because I didn't see one colored man the whole time I was there.

Q. Well, you made no further inquiry during the course of the day about the matter—about your rights?—A. No, sir.

302 Q. You didn't take any further trouble in regard to it?—A. No, sir; I didn't take any more trouble with it at all.

Q. Never asked about it as to whether or not it was right or not?—A. No, sir.

Q. Well, now, when did your family move to the State of Missouri?—A. I couldn't tell the month she come here in to save my life now.

Q. About how long ago?—A. I know she come here about—before July; she come here before July.

Q. Last July?—A. Yes, sir, this last July gone.

Q. July, 1880?—A. Yes, sir.

Q. Were you a refugee?

WITNESS. Me a refugee?

COUNSEL. Yes.

A. I don't know what you mean by that.

303 Q. Well, there was a number of negroes that came from the South here sometime ago, leaving the cotton and sugar plantations

in the South and coming to this State and going to Kansas. Were you of that number?

(Mr. Pollard, counsel for the contestant, objects to the question, as irrelevant, and asked for the evident purpose of wasting time.)

A. Yes, sir; I come from the South, but not at that time; no, sir.

Q. When you came here, had you any idea of remaining here, making this your home?—A. Yes, sir; I had no notion of going any further than this here place.

Q. But when you came here you didn't know whether you would return back or not?—A. No, sir; I was almost certain; I didn't 304 calculate—it was not my mind for to turn back there again.

Q. Did you speak to anybody concerning these facts—to any of these gentlemen—these attorneys or agents of Mr. Sessinghaus, in conducting this canvass?—A. Oh, no, sir.

Q. Nobody whatsoever?—A. No, sir.

Q. Prior to your coming to this room?—A. No; no, sir.

Q. So you kept these facts in your own breast until you were put upon that witness-stand?—A. Yes, sir.

Signature waived.

Not being able to complete the taking of these depositions, I adjourn the further taking of the same until to-morrow, Saturday, February 5, 1881, then to be continued at the same place at the hour of half past nine in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 7.

Pursuant to adjournment, as above stated, on the 5th day of February, 1881, at the hour of half past nine o'clock in the forenoon, I continued the taking of said depositions, whereupon the following proceedings were had:

- 1 Y. B. HAAGSMA, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD:

Question. What is your name, sir ?—Answer. Y. B. Haagsma.

(Mr. Donovan, counsel for contestee, objects to this witness being now examined for the same reasons that were given heretofore, and desires the officer to note the fact that frequent objections have been made, that he, said counsel for contestee, was consuming time unnecessarily, and that notwithstanding while there were half a dozen witnesses present and ready to be examined yesterday evening, the counsel for contestant adjourned the taking of the testimony an hour and a half before the usual hour of adjournment.)

- Q. Where do you reside, Mr. Haagsma ?—A. 923 Warren street.
2 Q. What is your business ?—A. Cashier of the Missouri Furnace Company.

- Q. Where were you last election day ?—A. I was in the city.
Q. In the city of Saint Louis ?—A. Yes, sir.

- Q. Were you at precinct 39, in the city of Saint Louis, on last election day ?—A. Yes, sir.

- Q. What time in the day were you there ?—A. The whole afternoon.
Q. How long were you there ?—A. For about an hour and a half, I should think—as long as I was allowed to stay.

- Q. Were you there again during the day ?—A. No, sir; I was not there again that day.

- Q. Now, Mr. Haagsma, please state the situation while you were there at those polls.—A. These polls were surrounded—these polls were situated, I think, the second door from the corner of La Baume and Broadway; they were surrounded by a crowd of people—a rough looking crowd; there was, as far as I can now recollect, only one—as far as I could learn it—only one deputy marshal, and he permitted a certain man, a very tall man, to go around there and scare all the colored people.

(Mr. Donovan, counsel for contestee, objects to this testimony, and desires that the gentleman shall state facts, and not his conclusions.)

- A. I state facts, sir, that I have seen; the deputy marshal himself refused to keep the crowd back after my asking him two or three times to do so of my own accord, seeing that the people were kept from the polls. This tall man made it his business, as far as I could see, to do two things; one of them was to scare off colored people, and the other to keep the door open for people to be registered.

- 4 Q. State whether or not you heard any swearing and cursing or threats; and if so, what.—A. Before I answer that I want to say that I told these people around the polls that these men here are legal voters, and have got to be allowed to vote, and I propose to stay here and see that it is done. Well, two or three parties in the crowd came up to me and to my friend, Mr. F. A. Wind, who was with me all

the afternoon; as I stood alone there talking to these people, a certain fellow in the crowd came up to me and threatened to knock me down. The first time he came up he wanted to know what my business was around there; I answered him politely. The second time he said, "What do you mean by bringing up these colored people around here? I told him I had no intention of doing anything of that kind; I was not there as a politician; I was there to see that people who had a legal right to vote did vote. The third time he says, "I would like to knock that cocked hat of yours off." The fourth time he says, "If you don't quit these premises I will knock you down, sir." thought for the sake of peace and harmony I would leave, and I left.

Q. Now, please answer that question which I put to you some time ago.—A. Was there any violence, do you mean?

Q. Or swearing, or cursing, or threats; did you hear any?—A. The tall man and the deputy marshal together—I can't give you the exact words they spoke, but they made violent threats towards these colored people; if they voted they should go to the penitentiary. I can give you the exact language in one instance or in two or three instances where these men say, "You put your vote in there and the first thing you know you will be jerked up; you know these d——d Republicans all they want is to get your vote in and to-morrow they won't care for you." I could give you worse language than that but I am not in the habit of using such talk.

6 Q. But what language did you hear, that is what we want to hear?—A. That is part, I heard them curse these people, swearing right out, "You come round here again and you know what the consequence is."

(Mr. Donovan, counsel for contestee, has no objection whatsoever have the language heard stated; I want it to go down in that way.)

A. I desire to say here that I am a Methodist, a hard working Methodist and superintendent of a Sunday-school, and don't swear; I do not want to repeat the language.

Q. Well, state whether or not any colored voters were driven from the polls by any act or language which you heard there that day?

(Mr. Donovan, counsel for contestee, objects, to the question because the witness has not stated that anybody was driven from the polls; because it assumes the fact that there was, and thus leads his witness.)

7 A. I shall need no leading in this matter at all. They were driven away.

Q. How many did you see driven away, if you now recollect?—During the short time that I was there, there were at least a dozen.

By Mr. DONOVAN:

Q. Driven away by cursing?—A. No; not simply by cursing but in the same way they drove me off; they told me if I did not leave the premises they would knock me down.

By Mr. POLLARD:

Q. What other precincts did you visit that day, Mr. Haagsma?—I was at number 55, and I was at number 131

Q. I believe I will not examine you about any other now.—A. Am I was at my own precinct.

Q. Where is that?—A. On North Market street, between Broadway and Ninth.

Q. That is in the third Congressional district, is it?—A. Yes sir; I was there in the morning; I was walking away with the

people that were driven away from the polls; I can give some of the names.

Q. At 39!—A. Yes, sir.

Q. I would like to know who they were!—A. Well, Joseph Bell; he lives on Mound and Main streets.

Q. Give the names, if you know any!—A. Well, I have other names in that precinct, but I am not certain whether they were legal voters or not, consequently I don't want to give them here; I have others of other precincts.

Q. We don't desire to ask you about them now; we are only taking now one precinct at a time.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What is your politics!—A. That is a hard question to answer; I believe I am a Republican as long as I consider Republicans right; I am a Democrat in such things as I think Democrats are right; I am not a politician.

9 Q. What is your business!—A. I am cashier of the Missouri Furnace Company; my work is keeping accounts and cash.

Q. How did you employ yourself on that day!—A. In the morning I took my little girl to the office to see if there was any special matter there to attend to; to look at the mail; and I got through about half past eleven; then I went and took dinner, and then went around to these precincts just to see what was going on.

Q. Did you spend the forenoon of the day at the polls!—A. Yes, sir.

Q. At the various polls!—A. At the various polls, yes, sir. I met Mr. Wind about twelve o'clock at the polls on North Market between Broadway and Ninth streets, and went with him—we went together.

Q. Do you know Mr. Sessinghaus!—A. No, sir; I don't know him. I don't know him at all. I don't know what he looks like.

10 Q. You know him to be a Republican!—A. Yes, sir; I know him to be a Republican.

Q. And a candidate for Congress!—A. I have heard of him a great deal.

Q. Voted for him!—A. Voted for him; yes, sir.

Q. How much of that day did you spend at election polls!—A. From about twelve o'clock till the close of the polls.

Q. Were you permitted so to do by your employers!—A. No, sir.

Q. You did that against their wish!—A. I did it without consulting them. It was none of their business.

Q. Does not your time belong to them!—A. It does on all days except legal holidays and election days.

Q. You have volunteered the statement without being asked; why are you so anxious to make these statements!—A. I want to say that I have a good many liberties there; these people don't govern me like most men do. My employers have confidence in me, and are not very strict with me. I have been with them long enough to show them that I work for their interests sufficiently to justify me in having some liberties.

Q. Were you on that day a positive Republican partisan!—A. I was, considering all things; I voted the straight ticket.

Q. Without being asked the question, why did you volunteer to state that men were driven from the polls, and that you could in each and every instance give their names!—A. I volunteered that because I consider it an important thing.

Q. But when the counsel for the contestant thinks he will obtain in-

formation from you and asks you for the names, you give him b
one ?—A. I gave him but one in that precinct. I have others in oth
precincts.

Q. You can give no other but that one in that precinct?—A. I thi
I can, by referring to original memoranda that I took.

Q. You stated, in your direct examination, that you had
12 other name in that precinct, but you had others at other p
cincts?—A. I said I had no other names at this moment.

Q. You stated that at that precinct you had no other names, but y
had them at others. That, I believe, is your testimony.—A. I ha
other names that I can give you from other memorandum, but I w
not absolutely certain whether they were legal voters or not.

Q. Mr. Joseph Bell was on the stand yesterday, the name and t
only name that you gave, and he testified to what passed. Now, is
he the best judge of the manner in which he was driven from the poll

(Mr. Pollard, counsel for contestant, objects to the question, for t
reason that it is frivolous.)

A. I don't know whether his testimony would be any better th
mine.

Q. You think he would know just about as much about it as you d
—A. I think I know what I am talking about. That is the ou
13 answer I will give to that; I have been in this country lo
enough to know what I talking about.

By Mr. DONOVAN:

Q. Mr. Kraft, repeat the question to the witness.

(The notary reads question to the witness.)

A. I have answered that question, sir.

By Mr. DONOVAN:

Q. Will you please answer the question which I ask you in a ve
respectful manner?—A. Yes, sir.

Q. Well, then, will you please answer it?—A. I think that I saw—

Q. No, no; answer the question. Mr. Notary, read the questi
again.

(Question read.)

A. I don't know.

Q. You do not think, then, that the man whom you said was driv
from the polls would be able to state how he was driven from the poll
—A. I think that he would be pretty apt to know that he was driv
away.

14 Q. And you think he would know about as much about it
you do; or, perhaps, not so much?—A. I consider that a ve
queer question. If the gentleman will give his reason for asking it,
will answer it.

Q. The question speaks for itself, and especially since you seem to
such a very bright and very willing witness; and I will not ask it
any other manner than I have.

(Mr. Pollard, counsel for contestant, objects because the witness h
already answered the question two or three times. We have no obje
tions to the witness answering it, except that it consumes time.)

By Mr. DONOVAN:

Q. I have asked the question several times in substance, and t
gentleman seems to have a hesitation to respond, and his answers
far are just simply to impress me with what a bright man he is.—A.
don't want to answer that question unless it is put in a respectif
way.

5 Mr. POLLARD. We again object, and state to the notary that we apprehend that he has got the right to review and pass upon whether or not this contestee has the right to pile up subjects in the middle of this record at our cost and expense; and I notify the notary right here that we certainly shall not pay for any such record as that.

By Mr. DONOVAN:

Q. Expressing a high appreciation of your character, and desiring in the most polite way that is possible for one man to ask a question of another, I will again repeat my question, whether or not Mr. Joseph Bell, whom you have said was driven from the polls, and who has testified here, was not able to give a complete account of the manner in which he was driven from the polls, if he was so driven? Will that do?

—A. I think he would be able to testify very clearly what was done to him and with him.

Q. Now, you would have saved a great deal of time and presented this objection if you had answered the question in the first instance, which was a very simple one. How long did you remain at that poll? All the day? —A. I answered to my best recollection, about an hour and a half.

Q. How many negroes were present, and in the usual line of voters, waiting to pass their ballots? —A. There was none in the usual line of voters; they were kept out, with the exception of one or two who had their registration tickets with them, and insisting very strongly, with some others, on their right to vote.

Q. And their ballots were cast? —A. If I remember right, there was one man who had a registration ticket who was refused.

Q. Do you know whether or not those negroes who were not in the line had been in the line three or four times before you came there? —A. I was told so on that day, and I know that two or three in my precinct tried to vote three or four times; their ballots were refused and they were scared out of the crowd.

Q. What makes you so glib to talk about scaring, when these men are here to speak for themselves, and have spoken for themselves? —A. Because I think it is a grand outrage.

Q. You take a very warm interest in this matter? —A. I do, sir.

Q. And are ready to improve your opportunity to speak concerning the subject, and are willing—very willing to give your opinion of the effect which these matters had upon the people, and are always ready to respond, that there was a trouble at that poll, when we have had at least three witnesses who were present during that entire day, and they saw no disturbance while they were there the entire day? —A. I was at other polls also, but I spent enough time there. The counsel for the contestee has treated me with such disrespect that I dislike to give full answers to him; but I will say that I saw so much on that day that was decidedly wrong, not only at number 39, but at other precincts, that I made up my mind it ought to be thoroughly exposed, and the guilty parties punished.

Q. Who were the guilty parties? —A. People in charge of the polls.

Q. Did you post yourself in regard to the facts at that poll? —A. I was there; I was not permitted to stay there scarcely long enough to post myself fully.

Q. An hour and a half was not sufficient at one poll for a man that was visiting many? —A. Scarcely.

Q. People visiting polls generally spend a half an hour at each; isn't that your experience? —A. I have never troubled myself about politics, and hence can't answer.

Q. Why did you take so much interest in this election ?—A. Because ~~I~~ had made it my business to read up considerably about the candidates prior to the election.

19 Q. Well, what judgment did you form ?—A. I expressed ~~my~~ judgment by voting the straight Republican ticket.

Q. What judgment did you form regarding the Democratic member for Congress ?—A. I don't know either Mr. Frost or Mr. Sessinghaus, but I had heard for nine years past such a record of strict integrity and business qualifications on the part of Mr. Sessinghaus that I made up my mind to vote for him. Mr. Frost I knew very little of.

Q. Didn't you have a positive antipathy to Mr. Frost ?—A. No, sir.

Q. Do you know Mr. Sessinghaus personally ?—A. I do not, sir; I wouldn't know him if I should see him.

Q. You don't know either of the parties ?—A. No, sir.

Q. Why did you depart, for once in your life, from your rule of ~~not~~ taking an interest in elections, to go round and visit polls on ~~this~~ day ?—A. At no other Presidential election was I old enough ~~to~~ vote; consequently I took considerably more pains this time than I had before.

Q. I am asking you if you did not have a positive antipathy to Mr. Frost, and I will insist upon obtaining from you a reason for it ?—A. I did not, sir. I have no antipathy for no man, I treat everybody as a gentleman.

Q. Why didn't you take this interest in the elections before ?—~~Because I was too young.~~

Q. What is your age ?—A. I am 24, will be twenty-five next June.

Q. You say now that you have no positive antipathy to Mr. Frost ?—A. None whatever, sir.

Q. And no reason to have any ?—A. There were a great many remarks in regard to his conduct in some matters that I disliked, but ~~these~~ marks don't convince me that a man is wrong.

Q. Will you please tell me what those remarks were ?—
21 (Mr. Pollard, counsel for contestant, objects to the question, because it is wholly irrelevant, and furthermore, because it is palpably a desire on the part of the contestee to consume time.)

Mr. DONOVAN. I will say that if the members of the committee were present and saw the witness, they would see that he has an antipathy to Mr. Frost and a very decided one, and refuses to express it.

A. I should like to answer that ; if the counsel for the contestee desires to make me, in this regard, out a liar, I desire to know it ; I have too long a business record ; I have led too strict a life to stand anything of that kind from anybody.

Q. You have stated that you have reasons for an antipathy to Mr. Frost, which you do not express, that is all I want ?—A. I have answered two or three times that I have no antipathy. I had a preference to Mr. Sessinghaus on account of his strict business record and his great integrity.

22 Q. Don't know him personally ?—A. No, sir.

Q. Now, in your investigation of facts at that poll, you said that there was but one United States marshal at that poll ?—A. I could find only one.

Q. Do you not know that there was a United States marshal at that poll, a large, powerful negro ?—A. No, sir; I do not know that.

Q. Didn't you see, standing immediately in front of the window, a large negro who was in fact and generally known as a United States marshal, in charge of the precinct ?—A. There was no such man near

~~that~~ poll; at least, if he was there he did not protect the poll. There ~~w~~as a general crowd which the deputy marshal—that I recognized as ~~a~~ deputy marshal—refused to push back.

Q. Refused to push back who?—A. The crowd from the polls.
 23 Q. This was about what hour in the forenoon?—A. This must have been between, say one o'clock and half past two.

Q. You staid there all that time?—A. I was there about that length of time; I should judge about that length of time.

Q. Were you afraid of anybody at that poll?—A. I was not, sir.
 Q. Did anybody lay their hands on you?—A. They did not; but a young man pushed up next me four or five times—the one of whom I ave spoken a while ago.

Q. You were not so badly scared as not to conclude to remain there ~~a~~n hour and a half?—A. After I had been approached three or four or ~~five~~ times in the manner that I stated a while ago, I concluded it was the safest thing I could do to get away.

Q. Do you know of anybody being hit there on that day?—A.
 24 I do not, sir; I do know that I was threatened with that myself.

Q. You don't know the fact that there was a man hit there on that ~~day~~, and that that man was a Democrat?—A. I don't know that fact ~~at~~ all.

Q. And has fully testified in regard to that matter?—A. I don't know what testimony you have here. I have only my own testimony ~~here~~; that is all I know. I have not been here during these proceedings; consequently I don't know about what has been going on.

Q. You know your rights as an American citizen?—A. Yes, sir.
 Q. And you felt yourself fully able to preserve and maintain them?—A. I think so. I am not as large a man as some people. I don't suppose I weigh more than 125 pounds.

Q. But you think that any right that you have as an American citizen you are fully able to maintain?—A. In so far as it is needed, I suppose.

25 Q. Now, you saw negroes going in and out of the judges' room?—A. I didn't, sir.

Q. I have the minute here that the United States marshal kept the ~~P~~oll open to permit the negroes to go in and out.—A. Then your notes are very much mistaken. I said persons or parties. I did not say negroes. I saw not one negro go in to be registered.

Q. You said something about your cocked hat; was it knocked off?—A. I requested, when there was a mention made of it, I requested the policeman to take care of that man for me; the policeman declined to do so. I went away from the man far enough to keep out of the Quarrel, and yet to keep as near to the polls as I could, and see what was going on.

Q. And remained there afterwards?—A. Yes, sir; I remained there until the next call from that man; then I said to Mr. Wind, "I think it is time that I go."

26 Q. You wanted to go to some other poll to satisfy your curiosity?—A. No, sir; no, sir; I had made up my mind to stay at that poll and see what was going on.

Q. Why didn't the other polls interest you as much?—A. Because I had learned at my own polls on North Market, between Broadway and Ninth, that parties were being arrested from that poll and put into the 4th district police station, just a block from where we were; we went to the 4th district police station and saw this colored man, and got

from him that he had been taken from precinct 39, or some other precinct near there, and locked up.

Q. Now, aint you very much mistaken, for the reason that the colored man himself was on the stand here and stated that he was arrested at three o'clock in the afternoon; and you now state that you came 27 there at one, and he was the only man arrested at that poll by the United States marshal on that day?—A. He may have been arrested from some other poll; I think it was likely; I think this colored man that we saw arrested came from another poll, came from Mound street, I think; I don't think that he came from 39, but another man before this had his vote refused at 39 and was coming up there where we were—at any rate we learned that he had his vote refused, and had had his rent receipts to show that he had lived at a certain place for eighteen months.

Q. The reasons that you give for concluding to remain at precinct 39 was the fact that you learned that a man was arrested from there?—

A. No, sir.

Q. Now you give a different reason for going there; can you explain that?—A. I concluded to stay there; I thought it was a hard place 28 and likely to be trouble.

Q. Now, that is the reason that you choose to give for going to that poll, instead of the reason that you first gave?—A. I don't remember exactly and decidedly what did lead us there, but I think it was the man who had the rent receipts in his hands.

Q. And not the man that was arrested?—A. There was another man—no, sir; not the same man that was arrested. I think that the man that was arrested, since I refresh my memory—I think the man that was arrested was some man that come from that precinct, but I am not certain as to that; I don't want to say that for certain, because my mind is not clear enough now.

Q. Well, if you went there at one and that man was arrested 29 at three, it couldn't be for that reason that you went there?—A.

I didn't say that the man I saw arrested was arrested at three o'clock. I didn't say anything about that all.

Q. Did you see anybody arrested on that day?—A. I saw the man in the calaboose.

Q. At what hour?—A. Before starting to number 39.

Q. Did you bail him out?—A. No, sir.

Q. What did you go to the calaboose for?—A. To see if anything could be done for him.

Q. How did you know he was there?—A. Heard it at our polls.

Q. At what hour?—A. I think that was about one o'clock.

Q. Did you hear of any man before one o'clock being arrested on that day at the polls?—A. Let me see—I think it must be two o'clock or later; I don't really remember exactly what time it was.

30 Q. Who told you the man was in the calaboose?—A. We learned that at our precinct; I don't remember.

Q. Which was "our precinct"?—A. The one that I voted at.

Q. Which was that?—A. I have said half a dozen times, on North Market street, between Ninth and Broadway.

Q. Do you know the number?—A. I don't recollect it now.

Q. Was this man that was arrested permitted to remain in the calaboose?—A. We tried to get him out, but there was no one at the station who had authority to surrender him.

Q. Couldn't you speak for him and secure his release?—A. Yes, sir; but the captain wasn't there.

Q. Could you not secure his release?—A. No, sir; we didn't go there for that purpose.

31 Q. For what purpose did you go there?—A. For the purpose of seeing what was going on; to see why he was locked up, and see what was the trouble.

Q. And you found it?—A. And we found it.

Q. How long did you remain at the calaboose?—A. We didn't stay there very long.

Q. Did you wait for the captain?—A. We waited there a few minutes, but the captain didn't come. I think they said the captain was there at 39. I think that was what led us there.

Q. The captain of police was at precinct 39?—A. Yes, sir.

Q. Did you go back for him?—A. We went to number 39 and didn't find him there, and then staid there at 39.

Q. Did you go back for this man, for whom you seem to feel a sympathy?—A. No, sir.

Q. You just left him to his fate?—A. Yes, sir; left him to his fate, poor fellow.

Q. You were a friend and brother of his?—A. I want to say here that I am not absolutely certain as to time on that day, because my mind was pretty considerably taken up with this thing; my best recollection is that I left home about 1 o'clock, but how long I was at the polls on North Market between Ninth and Broadway, I am not certain; I am not absolutely certain as to the time that I went to 39, but I know that I spent the whole afternoon at this thing, and we staid at the poll at which I voted for a while, and then went to the police station, and then to 39, and after that to other polls; if I am not mistaken now, it must have been a little later in the afternoon that I was at 39; at any rate I will do the best I can in giving you my testimony.

33 Q. But, Mr. Haagsma, it is a curious thing to me that you, not knowing either of these parties, and not having taken any interest in elections previously, devoted this day not only to watching the polls, but taking the trouble to go to the station-house and see in regard to prisoners that were arrested by the proper authorities; if you were not interested in the matter, why did you take upon yourself all of this trouble?—A. I think any American gentleman who went around to the polls to judge of the conduct there, and who saw what I went and saw, I think would be fully convinced that it was necessary to take down some memoranda, and exert all his influence to bring the guilty ones to justice, and to see that the right was done, and that this mob law would be stopped, and this rabble element—

Q. Ah! now we have it; this rebel element?—A. Yes, sir.

34 Q. Do you know of any rebels voting on that day?—A. I meant rabble element; that is what I meant.

Q. That puts a different phase on it.—A. That is what I intended in the first place.

Q. What do you understand by "rabble"? Do you understand that the Democratic party is a party of rabble?—A. I have heard a good many times that the strength of the Democratic vote in the city of Saint Louis is in the ignorant classes.

Q. Then you think that the Democratic party in the city of Saint Louis is mainly composed of ignorant men?—A. No, sir; decidedly not. I think there are some very learned men in it, but not sufficient in number to control the ignorant parties that are in it.

Q. Do you know what was the vote cast at the last election by all parties?—A. No, sir, I don't know.

35 Q. Did you take sufficient interest in regard to the ignorance or learning of the people to ascertain the fact?—A. No, sir; I want it distinctly understood that I don't consider that any man, no matter what party he belongs to, shows his ignorance or his skill by his vote.

Q. Did you see colored voters threatened on that day?—A. I did, sir.

Q. Did you see what effect these threats had upon them?—A. They went off.

Q. After they had gone to the judges' window or consulted with the judges?—A. Quite a number had no chance to cast their ballots or see the judges—too much of a crowd around the poll to get at the polls, and when they did come near they were threatened.

Q. Now, I didn't ask you about that again. I asked you about
36 the threats and you volunteered the statement that they were driven away from the polls.—A. Yes, sir.

Q. And you said that you knew the names of the people that were driven away from the polls; now you may mention the names that you said you could give.—A. I said before I had names—a number of them—not all from this one poll, though.

Q. We asked you only about this poll, and that was the question of the counsel.—A. I think the former question was not general; now you specify number 39.

Q. Mr. Pollard was asking you only about poll 39, when you volunteered the statement about people driven away.

(Mr. Pollard, counsel for contestant, objects, for the reason that the gentleman has already consumed an hour cross-examining the
37 witness, whilst the examination-in-chief didn't extend over five minutes; that the only object which the gentleman has is the consumption of time.)

A. When I said that people were driven away of whom I had names, I referred to what I saw the entire day. I did see people driven away from 39; I had the name of one, but there were several others there.

By Mr. DONOVAN:

Q. Did this man, whose name you have given, tell you he was driven away?—A. I asked him.

Q. And he told you he was driven away?—A. Yes, sir; and I saw it myself.

Q. And you still assume that his narration of the facts in the case are true?—A. I still assume that; yes, sir.

(Signature waived.)

38 F. A. WIND, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name?—Answer. F. A. Wind.

Q. Where do you reside?—A. 1003 Olive street, this city.

Q. What is your business?—A. I am a notary public and am studying law.

Q. With whom are you studying law?—A. J. P. Colby.

Q. What is your age, Mr. Wind?—A. A little over twenty-two and a half—not quite twenty-three.

Q. Were you at precinct No. 39 on the last election day in the city of Saint Louis?—A. Taking it for granted that precinct No. 39 is at Broadway and Bates—I believe it is—yes, I am satisfied that is the number.

39 Q. What time of day were you there?—A. It was about 4 o'clock.

Q. You were there with Mr. Haagsma, the last witness?—A. Yes, sir.

Q. He thought it was probably between one and half past two o'clock—along there?—A. He is mistaken about that.

Q. You think it is later than that?—A. Yes, sir.

Q. You went with him and staid with him at that poll?—A. Yes, sir; I did.

Q. How long were you there, according to your recollection?—A. I suppose about an hour, or an hour and a quarter, or a half, something like that.

Q. Now, Mr. Wind, what disturbance, if any, did you see?—A.

Well, in the first place, when I got there, I found the sidewalk in 40 front of the polls lined with men. In the second place, I saw that there were colored men—some twenty or twenty-five feet away from the polls, standing in a bunch, apparently talking; what they were standing there for I won't say, but they were standing there; and what they were standing there for is, of course, a matter of surmise; but there they were standing in a bunch on the edge of the sidewalk. There was nothing especially attractive in this; nothing to attract attention. I went to that polls in the first place with the object of getting in the vote of a certain colored man who went with us, and, in the second place, I went there because I understood that colored men were 41 being interfered with and not allowed to vote, and I thought if that was the truth, that perhaps I could keep these voters from being interfered with by going there and speaking for them. Reasons like that took me there.

Q. What did you see or hear; that is what I want to get at?—A. Well, I saw there—I tried to get this colored man's vote in because he had lived at a certain place quite long enough and had registered, and I went with him to see about getting his vote in.

Q. What is his name?—A. I don't know; I took the name but I lost it; I couldn't do anything with him; I couldn't get his vote in. I then found another colored man whose name is Joseph something; I think

42 Joseph Bell, an old colored man; I found he had one of those little red slips that he had got from the register's office, giving the number of the precinct, the place where to vote, and on seeing this I was satisfied that he was entitled to vote, and I took him up to polls as soon as he said he wanted to vote; but he was afraid to vote because those men said if he tried to vote there he would be arrested; they would have him arrested and sent to the station-house; they did take a man from there; they had already arrested one man; he said he is at the police station now. I urged him to vote; I said 43 that he was entitled to vote; that they couldn't do anything with him, if they did have him arrested; that he was entitled to vote.

He said he thought he had better not vote, as he knew nothing about it, that he didn't want to be arrested. I urged him again to try, told him he was entitled to a vote, and had a perfect right to vote; that I didn't want him to think that any man there could prevent him from voting; that I would stand by him; told him if he was a man, to go up there and vote—urged him to go and vote. There was also some colored men, and we all tried to get him to vote. Finally the old gentleman rather hesitatingly decided to go to the polls and cast his vote.

44 He got into the line and endeavored to get up there to the window, and just at that time there was some, I suppose four, men in line

there; there was two or three barrels, over which there was a board, and some tickets placed on top; these barrels and board were about two feet may be, or three feet from the ticket-place, or from the window there where the ballots were cast. As I was saying, there were some four men in line there, ready to vote. Whilst he was there—this old colored man—there was a great, big, stout built Irishman (I can't say anything else), who had got one, or perhaps two, of these white men near him, and there were two colored men off a little ways; this Irishman had
 45 got these two white men to the right of him, trying to get their votes in, when seeing this colored man he said, (now what I say now was told me by this colored man, I know nothing of it myself), he said loudly, "What the hell do you want to try to vote for? As soon as you cast your ballot we will have you arrested!" Then these fellows began to crowd and curse, and the old man had already stepped back a pace or two, when I made my way up there and said to him, "You stand right there," says I, "he can't hurt you," but he didn't stay. Now, this fellow
 46 was right up against the barrels on the side nearest the curbstone, whereas these men were between the barrels and the window, these men that were cursing. I tried to get there, but they wouldn't let me. They tried to take him away from the polls, and they told me I couldn't stay there. This other man on the curb-stone that said he would have the colored man arrested, was standing there with tickets in his hands; what kind of tickets I don't know. I didn't see them as a matter of fact. But this colored man named Bell staid there though, and went up to the window, and when he came back he told me that he went there and offered his vote, and they refused it, for some reason which I don't know.

By Mr. DONOVAN:

47 Q. That is Mr. Bell's statement?—A. Yes, sir; Bell's statement.

Q. How old a man was he?—A. An old man—a colored man. Now, there was one or two white men there (I am stating this without being asked anything about that). These white men said that they knew Bell; that he had lived there for years, I think; I don't know how long, but sufficiently long enough to entitle him to vote; and had known him to be a resident of the city for many years, and knew him very well, and all that sort of thing. They were willing to go up to the polls and identify him, as I said before, but we were not permitted to go there.

By Mr. POLLARD:

48 Q. Did you see any other colored man prevented from voting whilst you were there? Did any other colored man attempt to vote there whilst you were there?—A. Yes, sir; this man that I came down with to get his vote in; he even wanted to re-register, but they wouldn't let him. The fact of the matter is, they wouldn't let us at the window long enough to explain what we wanted, and we couldn't get inside either, or anywhere else. I know I got there but once whilst Bell was there.

Q. These colored men that you spoke of as being in the line, did they vote?—A. No, sir; they didn't either of them vote.

Q. Did any colored man vote while you were there?—A. No.

49 Q. Was there or was there not any attempt made by anybody to frighten, or intimidate, or scare colored men and voters from assembling there and casting their ballots?—A. Decidedly. The lan-

guage I have already stated was used by this tall man with these tickets.

Q. State whether or not there was any threats or curses on the part of these white men toward the colored men there?—A. Yes, sir; while going to this window with Bell.

By Mr. DONOVAN:

Q. The old man?—A. This old man; language that was used by these white men; I can't state who they were; this one man was on the curb-stone; they spoke to me and to the colored men in a threatening tone, just so; I can't say just what language they used, but it was to the effect that they had better not vote there, that they had no right to vote, or something of that kind; it was uttered in a loud tone of voice; it could be heard not only by those of us close at hand, but by those who were ten or fifteen feet away.

Q. Were there any threats made by anybody toward colored voters was my question?—A. No, sir; not direct. No direct threats, except the one I have already stated, that I know of.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You weren't frightened very badly?—A. No, sir; not at all, Mr. Donovan. I went down there because I wouldn't be frightened.

Q. You were in company with Mr. Haagsma, the last witness?—A. Yes, sir.

Q. You have stated that Mr. Joseph Bell, an old negro, went to the polls to cast his ballot, and he presented his ballot to the judges?—A. Yes sir.

Q. You saw him at the window?—A. Yes, sir.

Q. You saw people there—white men—attempt to identify him to the judges?—A. I took a white man up there to do it.

Q. To identify old man Bell?—A. Yes, sir; if there was to be any reason for refusing his vote.

Q. That was the witness who testified here yesterday?

WITNESS. Who?

Q. Old man Bell?—A. I don't know.

Q. But he was an old negro, and his name was Joseph Bell?—A. Yes, sir; this old man—this colored man's name was Joseph Bell.

Q. And the judges for some reason refused to receive his ballot?—A. Yes, sir.

Q. Do you know whether or not he was registered?—A. He had a little red ticket from the registering office, so he told me. I didn't know that, of course, for a fact.

Q. Did you examine it and see whether his name was on it?—A. No, sir; there was no name on that ticket.

Q. You didn't examine the ticket?—A. I looked at the ticket, but I don't recollect now of seeing any name on it. It was one of these tickets that the man said had been given him at the registering office so that he could tell just where he was to vote; that is all.

Q. Now, Mr. Wind, wouldn't you regard it as of but very little value, and as a remarkable fact, if this old man Joseph Bell, of whom you speak, testified yesterday on this stand that he didn't go to the window at all?—A. Well, no, I wouldn't; not because I thought the old fellow would swear to a lie, but because he was so terribly scared. I should, of course, think that he would be likely to recollect but very

little of what occurred exactly at that time. There is no use denying it, he was very nervous.

54 Q. Well, if he had a vote, and did not go to the window, and didn't present his ballot at all, because he saw other negroes coming from the window who did not vote, wouldn't you consider that remarkable!—A. Well, I want to tell you in regard to that, that when I saw this colored man he was retreating from the polls, and after I had spoken to this other colored man I spoke to him; and I can only say that I have no doubt that he did make an effort to vote and was scared away; because, as I said before, he was retreating at the time I saw him. I saw him retreating, and I went up and encouraged him. I said, "If you are entitled to vote, step up to the window and offer your ballot." Possibly this was a different man from your witness. But this man offered to vote; there is no question about it. This man went up to that window—he did go to that window, he did have his ballot in his hand, and did say, I live thus and so, and finally had to leave that window without leaving his ballot there, and I did see those judges, for I stood there for a minute, right in front of the polls—I did see those judges look at it, and one looked to the others, as if there was some conversation about it, and it does seem to me that I did hear one of them say, "You 55 have been here before." The old fellow was certainly so terribly scared that even if he did state, as you say he did, I wouldn't hesitate to contradict him; in the first place, because I know it, and in the second place, because I could account for it.

Q. The previous witness, Mr. Wind, stated that you and he went to the poll because you heard that a man had been arrested there; could that be the fact when you now testify that it was after you got there that you heard that there was a man at the police station, arrested by the United States marshal!—A. I will explain that, Mr. Donovan; I went up to North Saint Louis something like half past three 57 o'clock. I met Mr. Haagsma at the poll on North Market street, between Ninth and Broadway, and there we heard a colored man had been arrested by one of the United States marshals, because the United States marshal said he had been informed that this colored man offered his vote and cast his vote, which was received by the judges at that poll, and had offered to vote and been refused at another poll some place else, and for that reason he arrested him and took him up to the station. Then at the station we learned that he came there from some place on Mound street; that is where Mr. Haagsma gets Mound street from, I should judge. Then we went to the police station with 58 him, went up there with this man, and it was found that there was some error and he was at once released. It was on our way up there that we heard that, on Exchange street or Mound, that this man had offered to vote, and we had heard this because it was said that there was some trouble about it, so we made up our minds to go down there and see whether there was anything to it, and for this reason we went down amongst the boys. After we had been to the police station—the police station is on Tenth and North Market—we came down from Tenth to Ninth street and saw a colored man on North Market, 59 who was with a colored woman. It seems that this colored woman, that the husband of this colored woman had been arrested and was at the police station; she told us of this fact, that he had been arrested in the 39th precinct. The woman had heard of it that he had been arrested, because he was not a resident of the place he claimed to be from; that he hadn't lived there for a certain length of time; so she

had in her hand her rent receipts, which showed that they had lived there at that place a longer time than even a year. She showed me the rent receipts, and I thought they showed paramount that the 60 fellow had lived there, and hence I thought I would take them—the receipts—up to the police station; went up there and found that Mr. Bensieck—John C. Bensieck—was there trying to get the negro released. Here we learned that the fellow had had some trouble at the 39th precinct, and we went down with Mr. Bensieck because, as I say, we had heard that there was trouble there, and because we thought the Republicans were not represented there. That was why we went there.

Q. And you went down and took charge of the poll?—A. No, sir; simply stood there a while.

Q. You stated that you stood in front of the board on which the tickets were, which was immediately in front of the window, and 61 the marshal requested you to leave.—A. Yes, sir, that was it; several times. I suppose they were entitled to make that order.

Q. You think they were entitled to do that?—A. Yes, I think they were, but I don't think they had a right to prevent some and permit others, which they certainly did.

Q. That was their legal duty?—A. I suppose so. I don't know what their legal duty was exactly.

Q. There were two marshals, were there not?—A. Yes, sir; there were two marshals.

Q. One man was a white man and the other a large negro, that was here the other day.—A. Not much—not that I know of. Two white men represented themselves to be United States marshals there.

62 Q. Did you see a negro that was there—a large man, a United States marshal?—A. No, sir; I didn't.

Q. You didn't know there was such?—A. He didn't represent himself as such while I was there.

Q. There was a large, fine-looking negro man, weighing over two hundred pounds; did you see him?—A. No, sir; I didn't see him, not at the 39th precinct, no. There was an Irishman of about the average height, probably a little larger than I am, then there was a small fellow, seems to me one of his eyes was bad, a little fellow; they both represented themselves as United States marshals; and if there was 63 anybody else present as a marshal I didn't know it that they were marshals; at least they didn't represent themselves as such.

Q. To you?—A. Yes, sir; to me.

Q. You could readily ascertain whether they were or not?—A. How?

Q. Whether they had some certificate of the fact?—A. I didn't ask them about that.

Q. You didn't ask anybody whether these were marshals or not?—A. No, sir; I was going to observe the laws. I would just as lief respect them as anybody else.

Q. At the time that you were at this poll who do you think were in the majority, the white men or the negroes?—A. White men.

64 Q. About how many white men were there?—A. Well, that is a rather hard question, Mr. Donovan.

Q. Oh, just about; make the most reasonable guess that you can?—A. I suppose twenty-five around there.

Q. Promenading up and down in the street?—A. No, sir; right immediately there, I mean.

Q. Well, about how many negroes were there there?—A. There was some; I think maybe about eight in a bunch there, as I said before about twenty feet from the polls along the sidewalk.

Q. I have you down here as stating that there were twenty-five negroes.
I took it down just as you spoke it.—A. I guess not. Well, then,
65 that is a mistake. If I said twenty-five I was wrong. I can't
recall that many; no, there was not. They were all pretty much
together; I suppose they were twenty-five feet away—may be that is
where you got that number from—twenty or twenty-five feet from the
polls. I don't think there was over eight or ten there.

Q. How long were they standing there?—A. I can't tell how long
they had been standing there; when I got there they stood there; of
course, a man may have gone and another one come from the group.
But they stood there as long as I did, I think.

Q. That was about four o'clock in the afternoon?—A. Yes, sir; about
four o'clock until five or a little later.

66 Q. You are a Republican in politics, Mr. Wind?—A. I am a
Republican, Mr. Donovan.

Q. You voted for Mr. Sessinghaus?—A. No; I am not in that dis-
trict. No, I had no special interest in seeing Mr. Sessinghaus elected
or Mr. Frost defeated. I only went there to see how matters were go-
ing on and to see that voters got their votes in, whether they were
Democrats or Republicans. I just went to that poll to see how things
were going on.

Q. Just went up there on general principles?—A. Just went up there
on general principles.

(Signature waived.)

67 JOHN FRAME produced, sworn, and examined on the part of
the contestant, deposeth and saith:

By Mr. POLLARD:

Question. Give us your full name.—Answer. John Frame.

Q. Where do you reside?—A. I reside at present at 910 North Fourteenth.

Q. Mr. Frame, were you at precinct 39 on last election day?—A.—
was, sir.

Q. How long?—A. Well, to the best of my knowledge, about half an hour.

Q. How long did you say you were there?—A. I haven't lived a year while—

Q. At the polls, I mean?—A. To the best of my knowledge, from half hour—from fifteen minutes to half an hour.

68 Q. About what time in the day?—A. About half-past nine to ten o'clock.

Q. In the morning?—A. It might have been half-past ten o'clock.

Q. In the morning?—A. Yes, sir.

Q. Did you see any colored men attempt to vote while you were there?—A. I did; I saw one.

Q. Do you remember his name?—A. His name, I believe, to the best of my knowledge, is Rollins—Cain Rollins, 1600 North Main.

Q. Was he permitted to vote?—A. No, sir; not while I was there.

Q. For what reason was he refused to vote?—A. They claimed that he was not a resident of the city the proper length of time,

Q. What was said to them by parties there, if anything?—
69 I don't know of anything that was said to him, any more than that he didn't live there the proper length of time.

Q. Did you see any other colored men attempt to vote while you were there?—A. Not to my knowledge.

Q. Did any colored man vote while you were there?—A. No, sir.

Q. Did you hear any expressions from people outside regarding colored men voting while you were there?—A. I heard an expression used by one young man that if any one attempted to vote from 1600 North Main he would have him arrested; that is, any man except one man; I don't remember the name.

Q. Were there any other colored men there while you were
70 there?—A. You mean immediately in the vicinity of the polls?

Q. Yes, sir.—A. There was some one or two around. I didn't see any one in the line with the exception of this man.

Mr. DONOVAN. To show the utter insincerity of the objection of Mr. Pollard to the effect that I am consuming time unnecessarily, I will now state that I do not believe that there is anything in the testimony of this man that calls for cross-examination, and he will be excused.

(Signature waived.)

71 JOSEPH H. MADOLE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. State your name.—Answer. Joseph H. Madole.

Q. Where do you reside?—A. 1335 North Eighth.

Q. Were you at precinct No. 39 on last election day?—A. I was, sir.

Q. How long were you there?—A. About one hour, I think.

Q. About what time in the day was that?—A. Between the hours of 1 and 3.

Q. Mr. Madole, while you were there did you see any colored men there?—A. I did; several.

Q. How many?—A. To my knowledge there was about eight or ten.

Q. Do you know the names of those men, or any of them?—A. I took their names.

72 Q. What were the names of those men as given to you by themselves on that day?—A. There was Cain Rollins, Sam Windom—

Q. Have you got a memorandum?—A. Yes, sir; there was Walter Harris, 1600 North Main; Sam. Windom, 1600 North Main; Alexander Batten, 1600 North Main; John Smith, 1600 North Main; Stewart Mack, 1600 North Main; Wilson Lee, 1600 North Main; Ben. Thomas, 1600 North Main; George Harris, 1717 North Main; and then there was Joe Bell—I have got no address for him at all.

Q. How far from the polls were these men?—A. They were, I 73 think, about a little further than from here to the corner of that room.

Mr. POLLARD. You mean to say a quarter of a block away?—A. Yes, sir.

Q. State whether or not they attempted to vote while you were there.—A. No, sir; I wanted them to vote; they said they were afraid; they said they had tried once, and were threatened to be arrested if they should try it again.

Q. And they didn't attempt it while you were there?—A. No, sir; not while I was there.

Q. State whether you saw any colored man attempt to vote while you were there.—A. No, sir.

Q. State whether any colored man voted while you were
74 there?—A. Mr. Jones and I we went in a buggy from precinct

37; went up there, and when we arrived there we found thir
as they were represented ; that colored men were not allo
vote. Mr. Read, he is a barber on Broadway, near the polls ther
where. Mr. Jones let him have his buggy for to go down wit
Windom to get a witness. He came back with the witness. I t
was gone about an hour, and he came back with the witness, a
went to the window, when Hugh McGinnis, the receiving jud
them to come inside. Well, they all went inside; that is, th
colored men, Mr. Jones, and I think there was two or three
75 Democrats, went in. Cahill, I think, was one; I think th
in, if I am not mistaken, and I wanted to follow suit and
just then the marshal received an order from the window, an
“G—d d—n you; you can’t get in here.”

By Mr. DONOVAN :

Q. That is, into the judges' room ?—A. Yes, sir. Well, th
their wrangle there about whether they should allow him to
that poll, whether they would allow him to vote or not, and th
talking about the law governing the qualifications of a voter.
to Jones that here it is, handing this paper in, and Jones comme
read it; after they had listened to it very attentively fin
76 Walsh took it and read it. During this time I was a little afr
my copy of the law having a list of names to it might be des
but Walsh handed it to me. Finally I heard from the window
is, from the side where they went in; where they went in wa
door on the side, from north to south, a rather large place; her
my ear to the window and listened, and I heard one make the i
“Well, I will receive the ballot;” I believe that was it; I don’
who it was made that remark. Finally we came out; at leas
came out and the others came too.

By Mr. DONOVAN :

Q. Jones is a colored man ?—A. No, sir; he is not; this is
77 Jones; and after coming out some party made the remark—
not mistaken, I think it is Cahill; no, it was not Cahill, bu
was along with the party; I don’t know his name; he wore a li
sandy moustache and chin whisker or goatee—he made the i
“Get,” he says, “ You bastardly s— — b—h,” he says, “ De
come around here again; the sooner you get away from here th
it will be for you.”

By Mr. POLLARD :

Q. He said that to a white man ?—A. Yes, sir; said that to
and to me also.

By Mr. DONOVAN :

Q. You were not at all scared ?—A. Well, I was to a
78 extent; there was some there I knew could scare me, ar
I knew could not.

By Mr. POLLARD :

Q. Did this colored man vote ?—A. From what I understood
lot would be received.

Q. Do you know whether it was received or not ?—A. I v
there, but I heard they would not receive it at all.

Q. How long after that did you remain there ?—A. I remaine
I think, about five minutes, I reckon, at least this party appe
be going for Jones, and I tried to get Jones away, Jones says, “

man, this man has abused me in a shameless manner. I want you to arrest him." The policeman made a kind of a motion as if he would step after him; he took a step forward and then stepped back again, didn't go a step farther. During this time I had hold of Jones, and was telling him we had better go away from there; so we got into the buggy, and they seemed to be making a kind of a movement of coming for the buggy, so we drove off. Prior to the return of Read with this witness and Sam. Windom, there was a little stout man with a goatee standing by the sidewalk in the gutter. I think he was called Linck. I don't know how it is spelt. He was bullying people all the while.

Q. How many people were there?—A. In all?

Q. Yes.—A. In front of the polls?

80 Q. Yes.—A. Well, I should judge about 50 in front of the polls.

Q. Were there any others quarreling around there?—A. Yes, sir; several; they got more strong all the time and scared the people.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What experience have you had at elections?—A. Well, I have taken part, I suppose, in pretty nearly every election since I have been in the city—since the war.

Q. It is quite a common thing to see crowds on election, is it not?—A. Not so many as I saw there at that precinct.

Q. Did you ever attend any poll in the old Ninth ward on election day?—A. In the old Ninth? No, sir. I don't think I did.

81 Q. Have you not at times in your experience when you was at election polls in this city known as many as a thousand people to be at a poll?—A. No, sir; not in the old Tenth; in the old Fourth?

Q. No, but in the old Ninth, haven't you seen as many as a thousand people gathered at one time?—A. No, sir.

Q. Well, five hundred?—A. No; nor five hundred.

Q. Well, an immense crowd, more than you said were present at this poll?—A. I am speaking of the Fourth ward and the old Eighth; them are the only two wards that I ever worked any in.

Q. Did you ever see more than fifty persons present at a poll?—82 A. I have seen more than fifty persons in front of a poll, but they didn't scare persons.

Q. Have you seen a poll with a much larger crowd than fifty?—A. No, never.

Q. And you have lived in this city how long?—A. About twelve years, may be more.

Q. And have been present at many elections?—A. Yes, sir; never saw a thousand, nor more than about fifty people present.

Q. Was it criminal that fifty people should be present at that poll?—A. I don't know whether it was or not.

Q. Don't you suppose they had a right to attend there?—A. I don't know.

Q. If they took interest enough?—A. I don't think they had.

83 Q. You don't think they had as much right to come there as you had?—A. I didn't stand in front of the polls.

Q. Were you not one of the fifty?—A. Yes, sir; I suppose I was.

Q. Well, now, didn't the remainder of the fifty have as much right to stand there as you had, or was this right wholly monopolized by you?—A. I was away from the polls; I didn't obstruct them.

Q. How long were you there?—A. I was there about one hour, but away from the voting place, a quarter of a square.

Q. Do you know whether or not the names of these negroes, six or eight of them, living at 1600 North Main, have not been given by very nearly every witness that has thus far testified in this cause?—A. Do

I know whether they have?

84 Question repeated.—A. I don't know anything about that.

Q. Do you know whether or not these negroes, whose names you have given, did not persist in remaining at that poll nearly the whole day and attempt to vote three and four times?—A. Well, all I know—

Q. After the judges had passed upon their qualifications and come to their conclusions?—A. I know there was one or two told me that they had tried for to vote there and they were refused.

Q. What was their object in trying again?—A. They said their names was on the poll-books, and they were going to vote if they possibly could.

Q. But you don't know but that they already tried three or
85 four times?—A. I know there was two that had tried, because they had told me so themselves.

Q. What were they staying there for?—A. Thinking that they might get their vote in.

Q. That they would try again?—A. That they would try again. They said it was the outsiders that was preventing them from getting in their ballots.

Q. Although two of them had had the privilege of going through the line twice?—A. I don't know; that is all they told me. They told me they had presented themselves twice and had been refused.

Q. If you had gone to that poll to vote and presented your ballot and your case had been duly considered by the judges, wouldn't you think that you would be causing considerable aggravation
86 to people if you went back there three or four times and each time received the same information?—A. No, sir; I don't think so. I think I would have the same rights as any other citizen.

Q. And that right would be to present your ballot to the judges three or four times during the day, after the judges had given you a decided answer on that ballot?—A. I don't know about the decisions, or what decision the judges would render; all that I know in regard to these cases is they said that they knew that they were entitled to vote, and that they were challenged by outside parties that they said did not know them.

Q. But after they had been refused the right twice, do you
87 believe that it was proper for them to go and attempt to vote, again and again?—A. I don't know what it might be in my case. I know that I would try my best for to get my vote in, if I knew I was legally entitled to a vote.

Q. You think that you would spend the day in presenting yourself at the window where you had been several times refused to vote, and attempt to vote again and again?—A. Yes, sir; I think in my case I would try and spend a week.

Q. You don't think it would be matter of aggravation to the officers in charge of the poll, or to the judges to whom you presented your ballot?—A. I don't think it would be any aggravation at all.
88 The judges ought to understand their own business; and another thing, the party which challenges, they ought to swear them, to be positive as to the information these challenging parties possessed; none of these parties were sworn.

Q. If you were a judge and you had decided in regard to the qualifications of a voter, wouldn't it be a source of aggravation to you to

have that voter persist in presenting that ballot to you again and again after you had told him what was the decision in regard to it?—A. Well, now, you ask me if I was judge, what action I would take. The action I would take would be to make the challenging party swear, take his name, and also his residence.

89 Q. I am not asking you that, and I will ask the notary to read the question over to you that I have asked.

Question read.

A. Well, I don't know what action I would take.

Q. But wouldn't it aggravate you to have the same question presented to you so frequently, especially as the time of other voters was taken up by the party that thus persisted in this conduct?—A. Well, I would think a great deal depended upon the grounds to aggravate me; that is in regard to the cause; in regard to the nature of the case.

Q. You find people on election days generally anxious to cast their ballot as speedily as possible?—A. Yes, sir; I have often assisted in it.

90 Q. There are lines formed, single file, in front of the windows, and each voter takes his place, isn't that usual?—A. That is usual, according to the law.

Q. Now, the man that is at the end of the line, wants to get to the window as speedily as possible, does he not?—A. Yes, sir.

Q. Now, would not the man, be he white or colored, who continued without any cause to occupy a place in that line of voters, retard voters and aggravate those around him?—A. Well, I don't know. In my case, if I thought a man's name was on the poll books, it wouldn't with me.

Q. I am not asking you that. I am asking you if it aint a source 91 of aggravation not only to the judges and the officers, but to the persons around there, to have a man repeatedly take his place in the line and retard voters, when he knows when he arrives at the window that his ballot will be rejected, for reasons already given him?—A. I don't know in regard to that. I want to give everybody a show; he said he was entitled to vote.

Q. But would you want to give him three or four shows?—A. Well, that question is pretty hard to answer, because I tell you many times I have fallen out of the line when a man told me he was in a hurry—that is, to get to his work. I would give him my place many a time. I have done it without questioning whether they were Democrats or Republicans.

92 Q. You wouldn't have fallen out of that line, though, for any man who had had a place in the line four times, or three, or two times?—A. I would if his name was on the poll-books.

Q. You have not got down to answering my question yet. My question is as to whether or not a man who persisted in coming three or four times and taking his place in a line along with men who want to go to their business and want to give their ballot, whether or not that would not be a source of aggravation to everybody surrounding that poll?—A. It might be to some.

Q. As well as to the judges to whom he had presented his ballot previously, and whose decision had been given?—A. Yes, sir.

93 Q. Now, did you go into the judges' room with any voter?—A. I was prevented from going in by that marshal getting an order from the inside, and he stopped my way and says, "G—d d—n you, you can't go in."

Q. You had no right there. It is their privilege to invite into that

room whoever they pleased.—A. I thought, as a Republican, I had a right.

Q. You thought, as a Republican, you had a right to go in and represent the Republican side?—A. That is, the interest of Mr. Sessinghaus.

Q. You were employed by him?—A. No, sir; I was not employed by nobody; I was employed by nobody.

Q. Are you related to him?—A. No, sir; no relation.

94 Q. You just did that because you liked to work for the man?—A. Because I regard the man as the best. I find him an honest man, and a friend of the workingman; that is why I was there.

Q. You are not a workingman?—A. I am. I work hard all my life. I was left an orphan very young in life.

Q. You are a genteel-looking man.—A. I have to work hard; I have a large family to support, too.

Q. Now, you say that when the vote of this negro was presented that the judges considered the case, and you with them discussed the law?—A. Outside. I handed this paper in—this copy of the law governing the qualifications of voters; I passed it into the window 95 to Mr. Jones, and Mr. Jones read it to them. I have answered that question.

Q. I know you did in the direct examination. But how long a time did they spend in discussing that negro's vote?—A. I think about a quarter of an hour; ten minutes or a quarter of an hour.

Q. It was fully and freely talked of between all the parties present—judges, supervisors, and everybody else—a conclusion was reached and a decision given?—A. That they would receive the ballot?

Q. Yes.—A. I guess I left the polls after this party was taken there. When I went again it was late in the evening. I went up again with 96 Mr. Smith. I saw there Mr. H. C. Bensieck and Mr. Smith, and I asked Mr. Bensieck if these colored men could not be brought up, as they had a large police force there at that time, and see whether they could not get their ballots in. Mr. Read and Mr. Knapper (he is a colored man, I believe) said there was no use in trying; that Windom was in the lockup at the fourth district station; and Mr. Smith and I rode up to the station and tried to get the poor fellow out. We saw him behind the bars. It seems that afterward, on appearing before Judge Cady—

Q. Now, don't go on with that. I didn't ask you about that. I desire to know why you go on and make these statements when I have not asked you in regard to them, and after I had previously fully examined 97 you on this subject. Why do you now volunteer that?—A. Because I omitted that in my testimony.

Q. You were anxious to tell as much as you could?—A. Well, I wanted to finish what I was saying about the arrest of Windom. I had talked with him; I found him in the station house.

(Signature waived.)

98 JOHN FLAHERTY, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. State your name to the notary.—Answer. John Flaherty.

Q. Where do you reside?

Mr. DONOVAN. I know you are entitled to the O—O'Flaherty.

A. 1322 Collins street.

By Mr. POLLARD :

Q. How long have you lived in this city, Mr. Flaherty ?—A. About fifteen years.

Q. Were you at polling precinct No. 37 on last election day ?—A. Yes, sir; I was.

Q. Where was it on that day ?—A. On the northeast corner of Bidle and Broadway.

Q. Do you know Anthony Tierney ?—A. Yes, sir.

Q. Did you see him at that precinct that day ?—A. I did, sir.

Q. Did you see him vote ?—A. Yes, sir.

Q. What ticket did he vote, if you know ?—A. The straight Democratic ticket.

(Mr. Donovan, counsel for contestee, objects to this testimony, because the party referred to is within the process of this court, and that his is the best evidence on this point. The judges who received his ballot are present in the city of Saint Louis, and they are likewise within the process of this court.)

By Mr. POLLARD :

Q. Do you know who got him to vote ?—A. I have knowed the old gentleman for years. I have been living in that neighborhood for years, and I know that to be his vote. I don't know whether his name is Dennis or not. I just told him he had no business to vote, 100 because he belonged to another State. Hennessey, the market master, called on him for to get him to vote.

Q. Do you know where Mr. Tierney lived at that time—on last November—election day ?—A. He has not been in that neighborhood, I believe. For all I know he has been over across the river in the State of Illinois for the past two years.

Q. Have you since learned that he was arrested and indicted for casting an illegal vote at that time ?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to this mode of examination, because counsel for contestant knows that this is not the manner in which to prove such a fact, if it is a fact.)

By Mr. POLLARD :

Q. Do you know the police officers at the polls on Sheridan and St. John ?—A. Yes, sir.

Q. Were they not busily employed during the day electioneering for the Democratic ticket ?—A. That is what I seen.

Q. At those polls ?—A. Yes, sir; that is what they were doing; they did more of that than they did police business.

Q. Do you know Martin Kelleber ?—A. Yes, sir.

Q. Where does he live ?—A. He lives up near Cass avenue.

Q. On what street ?—A. Well, sir; I believe it is on the second—that is, on Collins street; I know it is way back in the rear.

Q. Did he live there at the time of the election ?—A. Yes, sir.

Q. Was that in precinct 37 ?

(Mr. Donovan, counsel for contestee, objects to the question, because the witness has not stated just where the man did live.)

By Mr. POLLARD :

Q. Did he live in precinct 37 ?—A. No, sir; he did not.

(Mr. Donovan, counsel for contestee, objects to question and answer, because the witness has not shown that he knows the boundaries of precinct 37; and, further, because the recorder of voters is a witness in this case, together with his map, and he knows the boundaries and can

testify from that map accurately, if he is informed where t does actually live.)

103 Mr. POLLARD. State, now, where the man did live election day.—A. The man lived, sir, with an engineer, that in Stone's place, a boiler factory, on Biddle street, and he did for the last two years where he claimed to live, because I l moved away.

(Mr. Donovan, counsel for contestee, objects to the testimony the witness does not say that he knows where the man does l simply somewhere on Cass avenue.)

A. He lives up there now ; at least he has been there over a

By Mr. POLLARD :

Q. Do you know for whom he voted on election day ?—A. Ye (Mr. Donovan, counsel for contestee, objects because it 104 ifestly improper.)

A. He was talking to me when he voted. He voted Graham Frost. He voted the straight Democratic ticket.

By Mr. POLLARD :

Q. Do you know Nathan Sanders ?—A. Yes, sir.

Q. Did he vote in precinct 37 on that day ?—A. I didn't see h but I seen him have a ticket in his hand.

Q. How old a man is he ?—A. He is about seventeen or e years of age.

Q. Is he twenty-one years old ?—A. No, sir; he is not. I acquainted, at least, with his mother.

(Mr. Donovan, counsel for contestee, objects to the testimony the witness has said he merely saw him with a ticke 105 hand, and don't know whether he voted or not. It is w relevant and immaterial, and just simply wasting time, the counsel for contestant has no other witnesses present.)

By Mr. POLLARD :

Q. Do you know of any men who voted illegally at precinc election day ; if so, who were they ?

(Mr. Donovan, counsel for contestee, objects to the questio the witness states names and facts to prove himself able to stat and who is not a legal, qualified voter.)

A. I have seen parties—one man coming back after he vote remarked to myself that Hennessey, the market-master, wanted vote a second time.

106 (Mr. Donovan, counsel for contestee, objects to the in trifling with time.)

By Mr. POLLARD :

Q. Were you at precinct 49 ?—A. I was, sir.

Q. What time of the day was that ?—A. It was late, sir, in t ing.

Q. After the polls had closed ?—A. Yes, sir.

Q. Who was there at that time having ballots in their hand saw any ?—A. Well, when I went there they were all tight, s one gentleman. I don't know whether he was a judge or cle Manus, I believe that is his name, and the police officer was c the ballots, and taking charge of the whole concern.

Q. Was it Police Officer Maher ?—A. Yes, sir.

Q. What time in the day was that ?—A. That was la 107 was between 8 and 9 o'clock, sir, when I was there.

Q. Have you talked with Officer Maher since that time about it—about this matter?—A. I told him that he had no business to do that, that it was against the law to do so. He said he would have to do it, because he would have to stay there all night, and he didn't want to be late.

(Mr. Donovan, counsel for contestee, objects to this hearsay testimony; he is a police officer of the city of Saint Louis, and within the process of this court.)

By Mr. POLLARD:

Q. Do you know whether a man named Bradlaugh clerked at 49?—A. No, sir; I don't know. Yes, sir, I do. May-be he is up on Eighth, or some place around there.

108 Q. What was he doing at that time near these polls, if anything?—A. Well, sir; he hadn't much to do. He was sitting there, fussing there; they was all throwing the tickets around, and wasn't regarding the voting business at all. He didn't seem to me as if he looked to see what was being done with the tickets, the way they were carrying on.

Q. What did Officer Maher do with these tickets?—A. I seen him holding the tickets in his hands.

Q. Did he string them?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to that question as leading, and to a willing witness.)

By Mr. POLLARD:

109 Q. What are your politics, Mr. Flaherty?—A. I was always a Democrat, sir, all the days of my life, until this last time.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What caused you to change your politics so suddenly?—A. Well, I just made up my mind to do so; any other body has got a chance to do so.

Q. What caused you to change your politics so suddenly?—A. Well, I took a sort of a notion to do it.

Q. How old are you?—A. I am going on 37.

Q. Lived all your life as a Democrat until a short while ago; can't you give a reason for changing your politics?—A. Well, I am not in this country only about 16 years.

Q. You have no answer to give me to that question, what reason you have in so suddenly changing your politics?—A. I thought I was long enough on one side, so I thought I would change over to the other side.

Q. What was the consideration that induced you to turn over?—A. Well, I don't know, sir. I just thought I would satisfy myself.

Q. Was it a financial consideration?—A. I don't think that has anything at all to do with it, sir.

Q. Was it money?—A. No, sir.

Q. Was it flour?—A. No, sir; I pay my board. I am a married man, but I pay my board. I have received no flour, or anything of that kind, or money.

Q. Were you working on election day?—A. Yes, sir.

Q. For whom?—A. Well, I was idle election day. I didn't 111 go to work. I just make it my business on election day to stay away from work generally on that day.

Q. Were you acting in the interest of any party on that day?—A. I was, sir.

Q. Whom did you represent?—A. The Republican party.

Q. Who requested you to so act?—A. Well, a friend of mine.

Q. Give us the name of your friend.—A. Mr. Madole.

Q. Who was Mr. Madole?—A. He is married to a relation of mine.

Q. What did he say to you when he made the request that you should so suddenly change your politics?—A. Well, he only just told me if I would help him along to do a little for him that day. I was 112 working down there for years, in that neighborhood.

Q. Didn't he offer you any other inducement?—A. No, sir; he never did.

Q. Did he make any argument as to why you should do that?—A. No, sir; just simply to help him.

Q. You had been a Democrat all your life and in this country for 16 years?—A. Yes, sir.

Q. And came to the conclusion suddenly at the request of a brother in-law to become an active Republican partisan?—A. I am one of the Liberals. I don't look upon that in that way. I don't work for a man I don't know, no matter what his politics are.

Q. And you are a consistent Democrat?—A. I was since I had a right to vote in the United States.

113 Q. Now, isn't it possible that cash had something to do with this sudden change?—A. No, sir; it had no effect upon me.

Q. And you never received a dollar for the work that you did on the day of election as a Republican canvasser?—A. No, sir; I didn't get a cent on election day from any party.

Q. I don't mean whether it was on election day or the day before the election, or the day after the election, but did you at any time or from anybody receive pay for working actively in the interests of the Republican party on that day?—A. No, sir.

Q. Did it out of pure patriotism?—A. No, sir. I worked 114 hard, sir. I work hard for my living every day.

Q. But you just laid off, although you couldn't afford it; you worked hard for the Republican party and spent your money in that manner?—A. I did, sir.

At this point a recess was taken until two o'clock this afternoon; at which time, all parties being duly assembled, the cross-examination of Mr. Flaherty was resumed and the following testimony was elicited:

By Mr. DONOVAN:

Q. You testified prior to the recess hour that you received no pay for your services in canvassing for the Republican party on election day did you not?—A. Not on election day, sir; but I got some 115 spending money at least; you didn't ask me that, you asked me only on election day.

Q. I will ask the notary now to read to you the questions that I asked you before recess in relation to the reception of money for your services on election day.

The notary reads questions so referred to.

Q. Now, after recess, you state that you did receive money.—A. I got a few dollars spending money; that is all, before the election, sir but you never asked me that, you only asked me on election day.

Q. Did you not know that I asked you the question in order to ascertain whether, as a Republican agent, you had received money for your services?—A. I got a few dollars, I believe; that was before the 115¹ election. I guess it was a couple of weeks before the election, to go around and see my friends and have them assist me

Q. Who did you receive that money from?—A. Mr. Bensieck gave me a few dollars of spending money.

Q. How much did he give you?—A. Well, I can't tell; and Mr. Madole gave me five dollars.

Q. How much money did Bensieck give you?—A. That was before the election, I believe I got about fifteen dollars altogether.

Q. When Mr. Benseick gave you this fifteen dollars he knew that you were a Democrat—A. No, sir; he never asked me whether I was a Democrat or a Republican.

Q. How long previous to this time have you known Mr. Bensieck?—A. I guess I know Mr. Bensieck for the last five or six 116 years at least. I know him by sight longer than that. I never had much to say to him.

Q. You knew him and he knew you for five or six years past?—A. I don't know whether he knew me or not.

Q. Did you go to him, or he to you?—A. No, sir; I met him in a hall—I belonged to the club he did—at a meeting. I used to go there every night; I was a member of the club. I belonged to that; that is the way I met him.

Q. Did you belong to that club?—A. I did, sir; I did.

Q. When did you join that club?—A. I guess about three or four weeks before the election; I can't tell you exactly. I have no 117 memory when I joined it.

Q. Did you not state in your direct examination that the reason that you worked in the interests of the Republican party on the day of election was because your brother-in-law requested you to do so?—A. I never said a word about brother-in-law; because I have got no brother-in-law in Saint Louis.

Q. Well, because some relation of yours by marriage requested you to do it?—A. I never said that either; I only might say friend. I never said brother-in-law.

Q. And the friend was Mr. Madole?—A. Yes, sir.

Q. Who testified here this morning?—A. Yes, sir.
118 Q. Now, it appears that you received money; five dollars from one party whose name you have given, and fifteen dollars from Mr. Bnesieck?—A. I didn't say fifteen dollars from Mr. Bensieck. I said I got five dollars from Madole, and ten dollars from the other party. That is, spending money, to go round.

Q. Both of these men knew that you had been what you have this morning stated you were, a Democrat all your life?—A. So I was a Democrat all the days of my life.

Q. Did this \$15 have anything to do with the change of sentiment on your part?—A. No, sir.

Q. Can you give any reason why you then, a dyed-in-the-wool Democrat, should suddenly become an active Republican worker?—A.
119 I got tired of the crowd; I got no more use of them; that is what my answer is.

Q. You thought that you would become a "solar-walk and upper-air" Republican.

(Mr. Pollard, counsel for contestant, objects to the testimony because the palpable object of the gentleman in this cross-examination is to consume time.)

A. I can't answer that question; I don't know how to answer that question.

Q. What did you do with this \$15 that you received?

(Mr. Pollard, counsel for contestant, objects for the same reason as

above stated. (To the witness.) If you know, of course, explain it, and let's get through.)

A. I went around and spent it amongst my friends; I canvassed around in the interest of my friends that I was working for.

By Mr. DONOVAN:

120 Q. What friends were you working for?—A. I worked for the Republican crowd, sir; for the Republican party, at least.

Q. What friends did you have among the Republican crowd?—A. I had one friend, Mr. Maddole.

Q. Was Mr. Maddole running? Was he a candidate on the ticket for which you were working?—A. No, sir, he was not; only he was a friend of mine; he told me to do him a favor; that is all I know of it.

Q. Now, you are an intelligent man.—A. I don't know that I am so.

Q. Well, you look to be an intelligent man; don't you think that your appearance would betoken the fact that you are an intelligent man?—A. If I promise a man to do a thing for him I will do it; that is one thing.

121 Q. And so you put in your work on that day for the Republican party, simply because a friend of yours, named Mr. Maddole, who gave you \$5, requested you to do so?—A. Five dollars had nothing to do with it.

Q. And because Mr. Bensieck, a prominent partisan and a Republican, also gave you \$10?—A. I am working for Mr. Bensieck there sir.

Q. You are not working for Mr. Bensieck?—A. I am, sir.

Q. When did you commence to work for Mr. Bensieck?—A. About Christmas time.

Q. After the election?—A. Yes, sir.

Q. You were not working for him, then, at the time of the election?—A. I was employed on Cass avenue for about two years and three months, or so.

122 Q. Prior to the election?—A. Yes, sir; and after the election I was there.

Q. At the what?—A. At the Pulsifer mill, with Mr. Carpenter; I have been with him a long while; I have been working there for over two years.

Q. Now, you want us all to distinctly understand that you, who was according to your own testimony, a solid Democrat for all your life since you come to this country, suddenly changed your opinions, and became a solid worker for the Republican party, and that the \$15 that you received had nothing to do with it?—A. Not the slightest, sir; it was my principles; I was tired of the crowd.

Q. The crowd are still your friends, are they not?—A. I don't know whether they are or not.

123 Q. Unless your present conduct has caused them to lose confidence in you?—A. My conduct has nothing at all to do with it my conduct is well known here, sir.

Q. Now we will see what your conduct was. Were you ever on the police force?—A. I was, sir.

Q. Were you discharged from the police force?—A. Well, I resigned under charges, at least.

Q. What were the charges?—A. I give some insolence to my superior officer.

Q. Anything else?—A. That is all.

Q. Were you charged with adultery?—A. No, sir; I was not; there is no stain in my face.

Q. Any other charge but insolence to officers?—A. No, sir.
 124 Q. Nothing concerning trouble with women?—A. No, sir; not of any kind; only my own trouble.

Q. Are you living with your wife?—A. No, sir; I am a divorced man.
 Q. Divorced for what reason?—A. I don't think you have anything to do with that whosomever.

(Mr. Pollard, counsel for contestant, objects to the inquiry, because it is absolutely frivolous and irrelevant. [To the witness.] You can answer that if you see fit; if you don't want to answer it, say so.)

A. If you want it I will tell you. I will give you a statement if you want to know it.

By Mr. DONOVAN:

Q. I want it for a purpose?—A. If you want it for any purpose I will give it to you. I got into a shooting scrape one Sunday; 125 that was the cause of it; I was not on the police force then; was a family matter; I took my own part; that is all you can bring up against me.

Q. Who did you hit; who did you shoot?—A. Officer Fluegele.

Q. Is that the reason you were discharged from the police force?—
 A. No, sir; I was not on the police force then; I was private watchman for Bell & Catlin.

Q. The question that I have asked you was, what was the ground for a divorce?—A. My divorce is brought around by the head of the church that I belong to; it was a regular separation.

Q. Was it a court proceeding?—A. Well, it was the clergy.

Q. Were you divorced by a court?—A. I gave the old woman 126 a divorce; I didn't bother much about it.

Q. The "old woman" sued you?—A. Yes, she did.

Q. The divorce was granted?—A. Yes, sir; I granted it to her.

Q. Were you on the police force at the time the divorce was granted?—A. No, sir; two years previous to that.

Q. You haven't stated the reasons why your wife got a divorce from you?

(Mr. Pollard, counsel for contestant, objects, because it is a palpable indication of a desire on the part of the gentleman to consume the contestant's time.)

Mr. DONOVAN. It is the desire of the contestee to simply show to the committee, or give them some indication, in regard to the witnesses that are called.

127 A. Well, it just happened in that way; when I got into that trouble she applied for a divorce; when she applied for it I consented to give it to her, and have nothing more to do with her.

Q. You are positive now that you were not discharged from the police force for gross immorality?—A. No, sir; I was not.

Q. While you were on the police force, how often were charges made against you by your superior officers?—A. Well, I was up three times.

Q. Three times you were up on charges made by your superior officer against you?—A. Yes, sir.

Q. What was the first offense?

(Mr. Pollard, counsel for contestant, objects, for the same reasons as last-above stated.)

128 A. The first charge was that I was sitting on that stone over there [on the corner of Fifth and Olive streets] asleep. I was tired and I sat down to read a newspaper and I went to sleep. That was the first offense.

Q. And the second charge against you ?—A. The second time was in the neighborhood of Sixth and Market, where a colored man called me an Irish son of a *lady*. I got up and hit him on the head.

Q. The third time, what ?—A. The third time I went in and took a drink on Gravois road, and I was reported for it.

Q. You have stated now fully all the charges that were made against you while you were on the police force ?—A. That was the only charges that was made before the police board.

Q. What was the last charge that was made against you ?—A. 129 That was the last charge that was put against me, when I was reported for drinking.

Q. Then there was a fourth—A. I didn't give them a chance to go before the board for that one time.

Q. There were only three charges ?—A. Three charges, and the fourth I didn't go near them at the time.

Q. Was there a charge pending ?—A. Yes, sir; for getting drunk.

Q. I thought you stated that you got discharged for insolence to a superior officer ?—A. They found a charge of being guilty of conduct unbecoming a gentleman and an officer.

Q. You think you were discharged for insolence and not drunkenness ?—A. I guess where insolence and drunkenness come together—

Q. That is all the charges ?—A. That is all.

139 Q. You have given your record now as a police officer ?—A. Yes, sir.

Q. What is your testimony in this case; as I have got it, it is to the extent that Officers Sheridan and St. John, who were reputable members of the police force of this city, did some electioneering on that day; is that a fact ?—A. Well, they worked more during that day; that is, while I was there; they were working in the interests of the Democratic side.

Q. How far were they from the polls ?—A. Well, sir, they were at the window there.

Q. How did they work ?—A. I seen Officer Sheridan going around with these Chronicle tickets in his hand, and interfering with them; that they had no right tickets; I just told him it was none of his 131 business; that the police force was only to keep the peace, and not have anything to do with the tickets.

Q. What do you mean by electioneering ?—A. I saw them going around there and telling them to put in such and such a ticket.

Q. You heard them whisper ?—A. Yes, sir; I did.

Q. How far were you from him when he whispered ?—A. I was quite as close to him as to you.

Q. I am about five feet away from you as I am ?—A. I was quite close to him.

Q. You generally don't hear a man when he whispers to a friend, because the calculation is that no other party than the party addressed shall hear what he says ?—A. He didn't talk so low that I couldn't hear him.

132 Q. Then, he didn't whisper ?—A. He did it in a whispering way. There is a way of talking loud and of talking low.

Q. You say that he electioneered by taking some action in regard to the Chronicle ticket ?—A. Yes, sir; he went away, went in and asked the judges about the Chronicle tickets.

Q. He asked the judges about them ?—A. Yes; I suppose he was the judge; his name was Jordan.

Q. Did he do anything with them ?—A. I seen him; he had them in

his hand, and the judges gave him some sort of an answer, and I seen him tearing some of them up.

Q. There was plenty of them there?—A. I didn't see them, sir.

Q. You didn't see them?—A. There was plenty of every kind of tickets there.

133 Q. Plenty of Chronicle tickets?—A. I didn't look; I saw the tickets that he had got in his hand, for I had some in my hand, too; I don't recollect whether they were Chronicle tickets or not.

Q. Don't you know that many citizens, and reputable citizens, were incensed at the issue of that Chronicle ticket as a spurious ticket, and one calculated to deceive voters, issued in plain violation of the law of the State of Missouri, which provides that no deception shall be practiced upon voters?—A. Well, I didn't take much interest in the Chronicle ticket; I saw a good many fellows stirring them up; Sheridan was the first one I saw object to the ticket.

134 Question repeated.—A. Yes, sir; I know that.

Q. A complaint was made to the police officer in regard to them?—A. I didn't hear anybody complain to the police officer.

Q. Do you know whether or not our citizens did not complain to some of them—to that officer regarding this infraction of the law?—A. I didn't hear anybody complain, only I seen the police officer, Sheridan, throw some of the Chronicle tickets away; they said they were no account.

Q. They said they were unlawful to be printed and issued, and had no business at the poll?—A. They didn't say they were unlawful; just that they were no account.

Q. Were any of them voted that day?—A. I don't know, sir.

Q. You had them in your hand?—A. I had a few of them with the other tickets that I had in my hand.

135 Q. You were handing them to voters?—A. No, sir; I didn't hand a ticket to a man that day; I was just looking on.

Q. Did you find the name of Gustavus Sessinghaus on that ticket?—A. I seen it on there; I believe I did.

Q. On those spurious tickets?—A. I can't swear whether it was or not, the way I was situated.

Q. Don't you know, as a fact, that his name was on that spurious ticket?

(Mr. Pollard, counsel for contestant, objects to the question, because witness has not said that it was a spurious ticket; and because it was not a spurious ticket; and further, because the contestee's counsel knows it was not a spurious ticket; and because he has attempted to browbeat this witness; and his only object in this examination is to consume time.)

136 A. The only tickets that I held on that day were straight tickets—straight Republican tickets.

By Mr. DONOVAN:

Q. Mr. Flaherty, am I browbeating you?

(Mr. Pollard, counsel for contestant, objects to that question.)
The witness hesitates.

By the NOTARY:

Q. What is your answer?—A. No, sir.

By Mr. DONOVAN:

Q. Then you think that Mr. Pollard's objection in regard to me "browbeating" you is uncalled for, because it is not a fact, and is sim-

ply made to give an impression on the record which the facts will not warrant; that is true, is it not?—A. Yes, sir.

Q. I was asking you about these spurious tickets and asked you whether or not the name of Gustavus Sessinghaus was not on 137 that ticket for Congress in the third Congressional district. Now, you can read, can you not?—A. Yes, sir; I believe I can read.

Q. Did you read the ticket?—A. Well, I might have looked over it, that is all. I was not so much interested in that ticket as I was in the others—in the straight Republican tickets.

Q. Were you not working there for Mr. Sessinghaus?—A. I was, sir; in his interest.

Q. Do you not know whose name was on that ticket?—A. I didn't look, sir.

Q. For Congress?—A. I did not handle many tickets; the only ticket I had was the straight ticket—the Republican ticket—that I took any notice of. I didn't bother my head much about it.

Q. You just stated that you had a handful of these Chronicle tickets? —A. I just got a few of them and looked at them. It seems to 138 me—this is a good while ago, and I don't recollect.

Q. What poll was this at?—A. Thirty-seven.

Q. How long did you remain there?—A. I remained at 37—I guess I was there from 7 in the morning, and I came back again there about eight o'clock at night.

Q. How long did you remain at the poll? You mean to say from seven o'clock in the morning until eight o'clock in the evening?—A. I staid most of the time there during that day.

Q. What were you doing there?—A. Just staid there looking on. I voted at 38.

Q. I am talking about 37 now. You staid at 37?—A. I was most of the time there.

Q. How many hours were you at 37?—A. I guess about four or five altogether, back and forward.

139 Q. Why did you remain at 37 four or five hours?—A. I was very much interested. There was a good deal of bulldozing there.

Q. We haven't heard anything about any bulldozing at 37 yet. I asked you why you remained there?—A. I just staid there.

Q. Just staid there?—A. I did.

Q. And didn't do anything?—A. O, I looked on to see what was going on.

Q. That is all that you did?—A. Yes, sir.

Q. Didn't hold any tickets?—A. No, sir; I did not; maybe I might take a ticket and then laid it down again.

Q. You didn't seek to influence any voters there?—A. No; I didn't, sir.

140 Q. Were you talking with anybody at the polls?—A. Different parties there I talked to.

Q. Talked in whose interest?—A. Well, I talked a good deal about everything.

Q. In whose interest?—A. The party's interest I was working for.

Q. Whom were you working for?—A. Those I would like to see elected.

Q. Who were you working for?

(Mr. Pollard, counsel for contestant, objects to question, because counsel for contestee has consumed over an hour in the most frivolous examination imaginable, whereas the witness was on the stand in-chief but six minutes.)

A. I was working for my friend's interests, at least—

By Mr. POLLARD:

Q. Whom did you say you were working for; who was your
141 friend?—A. Mr. Maddole, sir.

Mr. DONOVAN. I submit that these objections are interposed more for the purpose of consuming time and preventing the proper examination of this witness than for any other purpose, for the reason that this witness has testified that he was working in the interest of his friend, Mr. Maddole, when Mr. Maddole was not running for any office on that day.

Q. Were you, or were you not, working in the interests of Mr. Sessinghaus?—A. That was my understanding of it; of course he told me to do all I could for him.

Q. When I asked you in whose interest you were working on that day why did you not frankly say so?—A. You didn't ask me so straight a question as that, Mr. Donovan.

Q. I asked you in whose interest you were working on that
142 day?—A. I was just working for my friend—for the party's interest; the same I should have done—

Q. You were working to earn the money which you received from Mr. Bensieck, the prominent agent of the Republican party, supporting Mr. Sessinghaus, in this contest?—A. Mr. Bensieck never told me, sir—never said a word to me about anybody's interest.

Q. What did he give you the ten dollars for?—A. He just gave it to me for spending money.

Q. For what purpose?—A. Just to go around—at least, he gave it to me for spending money, to go and spend it for whatever I wished to do with it.

Q. Did he not give it to you because you were a Democrat, and he thought he could buy you, body and soul, for ten dollars?—A. No, sir; he never did.

143 Q. That is your judgment, that he did not?—A. No; he never said a word to me when he gave it to me, except as spending money, to go around—he didn't tell me to go around—

Q. Just handed you ten dollars without owing it to you or saying anything to you?—A. Mr. Bensieck loaned me a few dollars many a time when I got short.

Q. Ah! now we have struck a new theory! You borrowed ten dollars from Mr. Bensieck?—A. No, sir; I didn't.

Q. Well, he gave it to you then, without any apparent reason, and said nothing to you when he gave it to you?—A. Just gave it to me to go around to spend it, not for any—

[Witness pauses.]

By the NOTARY:

Q. Not for any what?

By Mr. DONOVAN:

144 Q. As the notary suggests, "not for any what?"—A. Just gave it to me there; just handed it to me to do with it what I pleased.

Q. And didn't owe it to you?—A. No, sir.

Q. And you didn't ask him for it?—A. Yes, sir; I didn't.

Q. What did you say when you asked him for it?—A. I only just told him if he had a few dollars it would suit me very much.

Q. Did you tell him what purpose you were going to apply it to?—A. Yes, sir; I did.

Q. What purpose?—A. I told him I was going around to see some of my friends.

Q. Can't you give us just what passed between you and Bensieck when you got that ten dollars?—A. No, sir; not at all, sir.

145 Q. Did you pay him the money back?—A. No, sir; I did not.

Q. Does he expect you to pay it back?—A. I don't believe he does.

Q. Did you tell him that you could buy up Democratic voters?—A. No, sir; I did not.

Q. What did you do with the ten dollars when you got it?

(Mr. Pollard, counsel for contestant, objects, because that question has been asked at least fifteen times, and answered as many times.)

Mr. Donovan, counsel for contestee, states that it has not been answered once, except in a general way.)

The question is read by the notary.

A. I went around spending it amongst my friends.

146 Q. Who were your friends?—A. A crowd of men that I was working with.

Q. Democrats or Republicans?—A. I didn't care what they were.

Q. Do you know?—A. No, sir; some of them might be Republicans, some might be Democrats, for all I know.

Q. Did you pay particular attention to Democrats in the distribution of money that you have received; whether it was ten, fifteen, or more dollars?—A. No, I did not; I told them who I was working for—that was before the election; I would go into the saloon for a glass of beer and talk about it—talk about my friend.

Q. Who was your friend?—A. Well, I don't know about any friend, except the party that I thought I would vote for.

Q. Now, you told me that you spent that money among them and 147 requested those men to vote for your friend, but you did not give us the name of your friend?

Mr. POLLARD. Friends, he said.

A. I spent it just the same as I did any other money among my friends.

Mr. DONOVAN. I now here object to the attorney for the contestant instructing this witness how to answer questions.

Q. Well, now, who was your friend?—A. Well, I think anybody that I chose to have to go with me and get a drink; I was talking with him and tried to get him to vote for the same party that I did myself; that is what I call a friend.

Q. But you said that you had a friend on the ticket?—A. No, sir; I didn't talk about a friend on the ticket.

Q. You said that you wanted these men to vote for your friend?—A. I said "friends."

148 Q. And all that I desire to ask you now is, who was your particular friend?—A. I had no particular friend on that ticket whatsoever; they were all my friends.

Q. They were all your friends?—A. I don't know whether they were friends of mine or not; I only talk to you about my friends that I spent the money with; that is the way you asked me the question.

Q. Were they not all your friends on that ticket?—A. I don't know whether they were or not; these friends that I worked with was the ones that I spent that money with.

Q. But you were working for a friend on the ticket?—A. I didn't tell you that, sir.

Q. You say now that you didn't state that you spent this money in

endeavoring to get your friends to vote for a friend of yours who
149 was on the ticket?—A. No, sir; it was with friends that I spent
the money; I don't claim that I have any friends on the ticket.

Q. If you had no friends on the ticket, why did you go around and
spend money to get people to vote?—A. Hadn't I a right to do it?

Q. And get money from strangers and disburse it in that way?—A.
I guess a man has a right to talk a word to his friend no matter what
he is, whether a Democrat, or Republican, or Liberal—any man that he
is working along with; if he has money he can do with it whatever he
pleases; there is no law against that.

Q. I know; but it is rather strange, Mr. Flaherty, that you should
go to a party that owed you no money, or rather go to several parties
that owed you no money, receive cash from them, and go around
150 and spend it among people as you said in the interests of your
friends, and then have no friend on the ticket.—A. I think it is
mighty strange.

Q. What is your explanation of this conduct?—A. Well, that is my
own business; no matter what I did with it, I spent it as far as I like
to spend it, in any way that I like to spend it.

Q. Your answer then is, that it is none of my business, and you
choose to make no explanation of your conduct?—A. No, sir; I do not.
I did not give you no such an answer as that.

Q. What is your explanation of this conduct?—A. My explanation
is this; whatever I had and whatever I got I spend it according to my
own free will.

Q. In the interests of a particular party?—A. Yes, sir.

151 Q. Who is that particular candidate?—A. Mr. Sessinghaus
and Mr. Mason.

Q. These men were your friends?—A. Yes; I didn't know Mr. Sess-
inghaus until after the election.

Q. But Bensieck was your friend?—A. I don't know whether they
were friends or not.

Q. Didn't you know that it was a matter of public interest that Mr.
Bensieck was one of the most active managers for Mr. Sessinghaus in
this last election?—A. No, sir; not until after the election. I didn't
afterwards, only what I heard.

Q. Had you ever spoken to Mr. Bensieck before you received this ten
dollars?—A. No, sir; I had not, but I seen him up there every evening
where we used to meet. I didn't go to him. I know him by eyesight,
but have had no conversation with him.

152 Q. You worked and voted for Mr. Sessinghaus?—A. Yes, sir,
I did; although at the same time I didn't know him until after
the election.

Q. You have testified regarding a certain Martin Kelleher, and stated
you did not know where he lived, but that he lived somewhere on Cass
avenue.—A. Well, sir, he and I has been acquainted for the last nine
or ten years, and we slept in one place and boarded in one place.

Q. I ask the notary to repeat the question and to ask for any answer.
—A. Yes, sir, I did, sir; he lives way out, back of the iron mills on
Cass avenue; I don't know the number of the house, I know where he
lives.

Q. Don't you know that Cass avenue runs through many elec-
153 tion districts?—A. Well, I know that 38 is there because that
is where I voted; I voted at 1322 Collins street, that is in 38;
voted in that neighborhood for the last going on three years.

Q. I didn't ask you about where you voted, but I was asking you

where Martin Kelleher lives!—A. He lives in one boarding house with me for eight months together, and we were in 37 last summer was year—for some ten months before the election I was in 38.

Q. And you can't give his number on Cass avenue!—A. No, sir, can't; it is just exactly in the rear of the iron mills.

Q. Although Cass avenue, as I stated, runs through various electoral districts!—A. All I know is, it is in 38 that he should have voted where I voted myself, but he voted in 37.

154 Q. Did you see his vote!—A. I did, sir.

Q. Did he show it to you!—A. I didn't ask him to show it to me, but I seen him vote.

Q. Did he show you his ticket!—A. No, sir; he did not, but I looked at his ticket.

Q. Did you read his ticket!—A. No, sir; I did not, but I saw the ticket in his hand.

Q. Do you know whether or not he scratched his ticket!—A. No, sir; I saw the man holding the ticket in his hand and put it in.

Q. Therefore you simply give your impression for whom he voted for any particular office!—A. I seen that he had the Democratic straight ticket, that is what I call a Democratic ticket.

Q. And you say you don't know whether he scratched it or not!—A. I didn't look at it.

155 Q. And, therefore, did not see actually what was on his ticket.—A. Well, I seen the name at the head of his ticket.

Q. You saw the head of it!—A. I seen the ticket, of course; when he folded it up he put it in the box; of course, I didn't see it then.

Q. How far was he away from the poll when he received his ticket.—A. Quite close.

Q. How far was he away from the poll when he received his ticket.—A. That is a question I couldn't answer you, sir.

Q. Was he within ten feet, or twenty-five feet, or fifty feet of the poll?

By Mr. POLLARD:

Q. Did you see him put his ticket in the ballot-box!—A. I seen him put in his ticket.

156 Mr. DONOVAN. I again object to the instructions given by the counsel for the contestant to the witness on the stand; the question is a plain one, and he is an intelligent man, and there is no difficulty about answering it if he knows.

Question read by the notary.

A. The man came right up and took his ticket and folded it up.

Q. How far was he from the poll when he received his ticket!—A. He was just quite close, a few feet away, where he received the ticket I believe, from the table near the window.

Q. Why couldn't you tell that in the first instance, without forcing me to ask you that question half a dozen times!—A. Well, you ask me so many questions, and so many different times—[witness pauses.]

By Mr. DONOVAN:

157 Q. Any further explanation to give us why you didn't answer such a simple question!—A. Well, I answered the question all right.

Q. Did anybody hand him his ticket in your presence!—A. I didn't see anybody hand him his ticket.

Q. He went up and took his ticket!—A. Yes, sir.

Q. Took it from the stand in front of the polls?—A. Yes, sir; he did.

Q. Then, you just happened to look over his shoulder and see that it was a Democratic ticket, when he took it up?—A. I just took a look at him and saw it.

Q. Saw the heading?—A. Yes, sir; it was a straight Democratic ticket.

Q. And that is all you know about it?—A. Yes, sir.

158 Q. Now, who is Nathen Saunders?—A. Well, it is a young fellow that lives down there on Collius street.

Q. How long have you known him?—A. I have known him ever since he was a bit of a boy.

Q. How old a boy was he when you first knew him?—A. I guess about the age of that boy there, I don't know his age, but I know him; I have been living around there so long, he is a young man, at least he is about seventeen or eighteen now, going on seventeen or eighteen.

Q. Do you know when he was born?—A. No, sir; I don't; I was not in this country when he was born.

Q. How can you testify in regard to his age?—A. I can't testify.

Q. You don't know exactly what his age is?—A. No, sir; only 159 by his appearance; he is small.

Q. Your conclusions in regard to him are founded upon your knowledge of his person?—A. Yes, sir; that is it exactly.

Q. And you may, or may not, be mistaken in regard to it?—A. Yes, sir.

Q. Now, who is Anthony Tiernay; an old man or a young man?—A. He is an old man, sir; I guess he is over sixty.

Q. You stated that you didn't know whether his last name was Tiernay or not, but you knew his name was Dennis?—A. I stated I knew the old man well, and that his name is Tiernay, but I don't know what his other name is; that is the way I stated it.

Q. How old a man was he?—A. He is a pretty old gentleman.

Q. How old a man was he?—A. That is a thing I don't know, I don't know when he was born.

160 Q. As you have given your judgment regarding the age of Mr.

Nathen Saunders, why can you not now guess what is the age of this man Tiernay, whose first name you don't know?—A. Well, he is pretty old looking, I couldn't tell you how old he is.

Q. Give us some approximation to his age?—A. I couldn't tell you, because I don't want to—

Q. Is he over forty years?—A. Over forty.

Q. As high as fifty?—A. That is my judgment.

Q. Is he sixty years of age?—A. I couldn't tell you.

Q. Well, then, you think he is over fifty, but how much older you do not know?—A. No, sir; I do not.

Q. Do you know how long he resided in the city of Saint Louis? 161 —A. I know Mr. Tiernay for many years.

Q. How many years?—A. I believe I have known him for the last ten years.

Q. Known him for longer than ten years?—A. No, sir; I do not think so.

Q. But have known him that length of time in the city of Saint Louis? —A. Yes, sir; I have known him that long in this city.

Q. He was voting?—A. Yes, sir.

Q. Were you present when he voted?—A. Yes, sir; I was standing right there.

Q. From whom did he receive his ticket?—A. Well, that is a thing I couldn't tell; I saw Hennessy, the market-master, call him over and tell him to vote.

Q. You didn't then see from whom he received his ticket, nor
162 did you examine the ticket?—A. No, sir; I did not.

Q. That he voted?—A. No, sir.

Q. And don't know?—A. No, sir.

Q. Except you might form an opinion?—A. Just as I talked to him.

Q. Were you present at the judges' stand when his ballot was received?—A. The old man was across the street and Hennessy called him over to vote and told him to vote, and my attention was called to some other party from a similar locality there, a man that keeps a saloon; I took his name there.

Q. Why do you wish to consume time talking about matters which are irrelevant and which counsel for the contestant doesn't care to
163 listen to, and I just simply want to know whether you were present when this man Tiernay presented his ballot?—A. Yes, sir; I was there.

Q. How far were you from the poll?—A. Just behind his back when he gave his ticket in to the judges.

Q. You were then close to the polls and saw the man present his ticket that you say you did not read?—A. I did, sir; I didn't read his ticket.

Signature waived.

164 JOHN BROWN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. John Brown.

Q. Where do you live?—A. 1600 North Main street.

Q. How long have you lived there?—A. I went there last April, first of last April; been there ever since.

Q. How long have you lived in Saint Louis?—A. I come here this 19th of last gone March one year ago.

Q. Last March one year ago?—A. Yes, sir.

Q. That would be two years next March?—A. The 19th of March; yes, sir.

Q. Where were you born?—A. In the State of Virginia, city of Harrisonburg.

Q. Did you come from there here?—A. No, sir; I came from
165 there to Alabama, and from there down to Mississippi, and from Mississippi to Louisiana, and from Louisiana here.

Q. Have you ever lived in any other States except Virginia, Alabama, Mississippi, Louisiana, and here?—A. Yes, sir; I have lived in Alabama.

Q. I say, except those I have mentioned?—A. No, sir; I never lived in any other States except those I have named.

Q. You have never been out of the United States?—A. No, sir.

Q. How old are you?—A. Fifteenth day of this coming month I will be thirty-three.

Q. Were you registered?—A. Yes, sir.

Q. Where were you registered?—A. Down at the city dispensary.

Q. City Hall you mean?—A. Yes, sir; city hall.

166 Q. When?—A. I can't say what day of the month it was, but it was about three weeks before the election.

Q. You were living at 1600 North Main street at the time, were you ?—A. Yes, sir.

Q. When you registered, did they give you a ticket ?—A. Yes, sir.

Q. Did that ticket that you were given tell you that your precinct was 39 ?—A. Yes, sir.

Q. Did you go to precinct 39 on election day to vote ?—A. Yes, sir ; I did.

Q. Did you vote ?—A. No, sir ; they objected me.

Q. Did you have a ticket—a ballot ?—A. Yes, sir.

Q. What was it ; Republican or Democratic ?—A. It was a Republican ticket. It was given me as a straight-out Republican ticket.

167 I didn't want any other kind. I didn't want to vote for anybody else, except a straight-out Republican ticket.

Q. Were you prepared to vote for Sessinghaus for Congress ?—A. I went for to vote the straight-out Republican ticket. I didn't read it.

Q. State whether or not you offered that ticket to the judges ?—A. Yes, sir ; I quested to vote.

Q. Was it received ?—A. No, sir they "objected" the ticket. A gentleman on the outside, he says, I just couldn't vote there. He claimed that I hadn't been here long enough. I told him "I have ;" he says, "You are not ;" I says, "I can prove it. I know I am entitled to vote." I went on out then and started to get witnesses, and as

I was going along I thought of my rent receipts, when I was living on Twelfth street—1101 Morgan in the rear—I rents there.

Well, I went there and I got my rent receipts and I carried them up there and handed them to the man that was standing at the hole there receiving the tickets and he kept passing them right on to the man that was standing on northeast corner of the table—passed them over to him and he looked at the rent receipts, and when he looked at them he passed them to this gentleman that was standing there receiving the ticket at the hole, and this man says—he says, "You go outside ; we can't take those things ; them aint rent receipts." He says, "Them is sewing-machine receipts ;" I had never had any sewing-machine in my life ; they was rent receipts ; they was not sewing-machine receipts. That

169 is all I told them.

Q. Did they let you vote then ?—A. No, sir ; they didn't. They told me, by G—d, I had better get away from there.

Q. And you did get away ?—A. Yes, sir ; I came away ; of course, I came away. I thought it was no use for me to stay there any longer ; they wouldn't let me vote.

Q. Were there any threats made, any loud talking, or anything of that kind ?—A. They just told me I had better get away from there.

Q. Who told you that ?—A. The man that was standing on the outside—standing outside.

Q. Well, was that expression in a mild manner, or otherwise ?—A. He seemed to talk like he was mad from his remarks that he made to me.

Cross-examination by Mr. DONOVAN, counsel for contestee :

170 Q. When did you move to 1600 North Main ?—A. This last April, on the first day of last April.

Q. Were there a number of negroes that moved into that house on the same day ?—A. Well, there was three families that moved in there the same day that I did.

Q. Was that the first of April, 1880 ?—A. 1880.

By Mr. POLLARD:

Q. Well, this last April?—A. Yes, it is this last April.

Mr. DONOVAN. I must again object to counsel for contesting suggestions to the witness in the interest of Mr. Sessinghaus cause.

WITNESS. Well, gentlemens, I am not no read man, 171 talk plain; plain language to me; you must give me plain you must give me old African talk, because I aint no read because I want to answer your questions. If you don't give it t rectly I can't answer, and rather than answer incorrect I don't answer at all.

Q. What difficulty do you find with these questions that I: —A. What I was asking about is this, gentlemens, I aint no man, no read man, and you gentlemens must speak to my eye you want to speak pretty loud and pretty plain language to me, you know you can speak high language and I can't understand y

Q. What is your trouble with the question which I asked you? There ain't no trouble, sir; but I just tell it to you now.

172 Q. Then please answer the question.

(Question read by notary.)

A. Did you mean ter to say that I had voted for Mr. Sessing

Q. Did Mr. Pollard say to you just now "1st of April, 18

Yes, sir.

Q. Were there any more than three families moved in ther day?—A. Not on the day that I moved in.

Q. Have you lived there ever since?—A. Yes, sir.

1600 Q. Will you please give us the names of the parties that North Main street since you moved in there?—A. Yes, sir; give you all the names of those that live there now. Son 173 in there two or three days after I did, and some the wee did. Sam Windom, Walter Harrison, Alec. Batton, Chatter, George Leland, Ben. Thomas, Cain Rollins, Stewart Mack Lee, and John Smith.

Q. That is all?—A. That is all, so far as I can remember no

Q. Were those men living there all the time, from the first 1880, up to election time?—A. Lived in that building.

Q. You have the question there?—A. O, no, sir; they wa living there in that building all the time.

Q. Where were they living?—A. That is more than I can where they lived before they came there, no further than W

rison and Charley Foster; I know where they were l

174 came herein '79.

COUNSEL. (Interrupting.) I don't know that the witness stands the question that was asked him; however, I will rec notary to repeat it.

Question read by the notary.

A. There was there families there from the first of April, 1 families came in afterwards that have been living there since of course, didn't all go in thers on the first of April.

Q. Did they continue to live there during all of the time?— sir; they have been living there ever since. They have no away, nowhere.

Q. How many beds are there in that house?—A. Well, I cou to tell you the truth how many beds there is. I never too counts, but a heap of them, I can tell you that. I kno got three children.

Q. How many sleeping rooms are there in that house?—A. Sleeping rooms? There are ten rooms, and on the other side of the little frame right down along there—there is twelve rooms altogether.

Q. Is it not a fact that prior to the registration of the people living in that house, that many of those rooms were vacant and had nobody living in them?—A. At the time of the election?

Q. Prior to the registration?

By Mr. POLLARD:

Q. Before the registration.—A. No, sir; there was none vacant.

By Mr. DONOVAN:

Q. Did not some of those people move into that house for the 176 purpose of registering from that house?—A. No, sir; no, sir.

Q. Was not complaint made that negroes were moving in there prior to the election, for the purpose of registering from that house?—A. No, sir; no, sir, there wasn't.

Q. You think that the rooms were tenanted by these parties at the time they registered?—A. They were tenanted at the time that the registration was made.

Q. And by these men whose names you have given?—A. Yes, sir; at the time the registration polls was opened.

Q. And they had been there for some time previously?—A. They had been there previously to the registration. They been there before.

Q. How long before?—A. Well, I couldn't go on and swear 177 how long they had been there before.

Q. A week?—A. They was longer than a week, of course, but I couldn't say at this length of time.

Q. Two or three weeks?—A. Two or three or four months; some of them five or six months before the registration that they moved in before they heard anything at all about the election.

Q. Which of them was there two or three weeks before they registered from there?—A. I will explain it again if you want me to.

Q. Who handed you those rent receipts?—A. At my house?

Q. Yes, or any other place?—A. My wife gave them to me out of my trunk.

Q. Who were they signed by?—A. The rent receipts? They were signed by the gentleman that I got them from, but I forget his 178 name; but I don't remember his name. His first name was Ed., but Ed. what, I don't know.

Q. Was it signed by Mr. Knapper?—A. I haven't received any receipt from Mr. Knapper.

Q. Is not Mr. Knapper your landlord?—A. Mr. Knapper don't give us any receipts.

Q. Does not Mr. Knapper have an agent for collecting his rents?—A. At 1111 Morgan street.

Q. Then the receipts that you took up there was for the house at 1111 Morgan street?—A. Yes, sir.

Q. And not for this house where you were registered?—A. No, sir.

Q. They were receipts from a different house—about a mile away—that you showed to the judge?—A. Yes, sir; they was the receipts I got when I lived up there ever since I moved to this city.

Q. They were receipts from a house that was not in that precinct where you went to vote?—A. No, sir; it was at 1111 Morgan street, in the rear.

Q. I believe, Mr. Brown, that you stated that you can't read nor write.—A. No, sir; I can't.

Q. You therefore could not read the ticket that you had in your hands?—A. No, sir; I could not read it.

Q. You only know what was on it by what you were told by somebody else?—A. I was told it was a straight-out Republican ticket; that was all I wanted; I didn't ask no more questions about it.

Q. Who told you that?—A. The man that I received it from; I received it from Thomas Knapper.

Q. This party who interested himself in bringing up all the 180 negro voters from that house?—A. There was nobody interested themselves as I know on.

Q. Wasn't Mr. Knapper very much interested in that election, and took some pains to bring up those voters from 1600 North Main?—A. No, he didn't bring up none; we knowed we was entitled to vote; we had been registered, and we thought we were entitled to vote, and we wanted to vote, and went up to vote.

Q. And he didn't have any conversation with you?—A. No, sir; none at all.

Q. How did you come to get your ticket?—A. Well, I went up and got a ticket; I was going up to the polls to vote and I met him with tickets, and he gave me one; I said, "I want you to give me a straight-out Republican ticket," and he gave me one.

181 Q. Did you meet him in the house?—A. No, sir.

Q. How far from the house?—A. Well, he was about—you mean from my house or the polls?

Q. From your house, 1600 North Main?—A. Well, I guess it was about three blocks from my house where I met him.

Q. You met him accidentally?—A. I was going on to the polls and he was coming down the street with the tickets on his arm.

Q. Quite a bundle of them?—A. Yes, sir.

Q. And he told you they were all Republican tickets?—A. I told him I wanted a straight-out Republican ticket, and he gave it to me.

Q. You took his word for it?—A. Yes, sir.

Q. At the request of counsel for contestant, I am requested 182 to ask you whether or not you are a colored man?—A. Whether I am a colored man?

Q. Yes.—A. Yes, sir; I am a colored man.

Q. The judges decided that it was not proper for them to receive the ballot that you handed in at the window?—A. No; this man outside said to somebody they objected to my vote; of course they said they couldn't receive my vote on them rent receipts.

Q. You had no further trouble with the judges there?—A. No; I come right away; when I come from there I had been there trying the second time, but I didn't think it was worth while; they told me to stay away from the polls, and from the way they spoke to me I saw there was going to be a row.

183 Q. You thought you had presented your ballot and it was passed on, and you didn't think it was worth your while to return?—A. I thought it was worth my while to stay away.

Q. But you had been permitted to go to the poll, and had that ticket which you are now speaking of?—A. Yes, sir; my registration permitted me there, of course; I had been there long enough, and I had been up there and registered, and I thought that permitted me to vote, and I went and tried to vote.

Q. Did you speak with anybody concerning the testimony that you

are now giving on this stand?—A. Yes, sir; I did. I spoke with Mr. Metcalfe.

Q. As is usual with witnesses, the counsel inquires of them what testimony they can give, and Mr. Metcalfe did this with you?—
184 A. I haven't informed nobody but Mr. Metcalfe.

Q. When did you do that?—A. I couldn't say what time it was now; he can tell you what day it was.

Q. How long ago?—A. It has been about a month ago, isn't it Mr. Metcalfe? I guess it is about a month ago, I reckon.

Q. Did you speak with him to-day?—A. No, sir; I just called in there, and told him what I knew, and that I would like to get through to-day; I was sick and was not well able to stay around here much longer.

Q. Did Mr. Metcalfe inform you that all the negro witnesses that have been examined here—

WITNESS (interrupting). No, sir.

By MR. DONOVAN:

Q. Do you know what I am going to ask you?—A. No, sir;
185 I don't know what you are going to ask me. I thought you had done, that is the reason I answered you in that way.

Q. You thought you knew what I was going to say, and you thought you would say "No, sir," to it?—A. I thought you had done asking.

Q. I was going to say this, did Mr. Metcalfe tell you that all of the negro witnesses that had been examined here had uniformly stated that they had had no conversation at any time, or with anybody, or at any place, concerning the facts that they detailed on this stand, and that being a most improbable story, it was now become necessary for you to say that you had spoken to somebody?—A. No, sir; I haven't spoken to any one concerning what I told Mr. Metcalfe, and that was
186 when they asked me to give my testimony.

Q. Did Mr. Metcalfe tell you that when you were under oath if I asked you whether you had spoken with anybody that you should say yes, that you had spoken with him?—A. Yes, I spoke with him.

Q. And he told you to say that you had spoken with him?—A. No, sir; he didn't tell me to tell you that I had spoken with him.

Q. Did he tell you about these witnesses all testifying that they had not spoken to anybody under any circumstances or at any time regarding these facts that they knew?—A. No, sir; he didn't tell me anything about anybody.

Q. Mr. Brown, I suppose that you necessarily told the truth
187 in regard to this vote but, inasmuch as a number of negroes who have been brought upon the stand, have stated that they spoke to no one, I thought I would ask you regarding the fact, and now you state that you informed Mr. Metcalfe of the testimony that you were going to give?—A. Yes, sir; I informed him about it.

Q. Do you know whether the others did likewise?—A. I don't know whether they did.

Q. Were you present when any of them stated what they knew?—A.
No, sir; I was not present.

Q. Therefore you don't know?—A. No, sir.

Q. Were you promised pay from anybody for coming here and testifying?—A. No, sir.

Q. And don't expect any?—A. No, sir; I don't.
188 Q. What is your business?—A. I am working at the tobacco factory of Ligget & Meyers.

Q. You spent no time at the polls?—A. I went there at 7 o'clock in the morning, of course; I spent half an hour the first time I went there

Q. Did you go back?—A. The first time I went there there was a good crowd, and, of course, I had to spend some time in getting my place; I had to wait for my turn.

Q. You went up in single file with the others?—A. Yes, sir.

Q. White and colored men?—A. White and colored men; one man at a time; of course, it took some time to get my turn.

Q. Did you come back a second time?—A. After I went away
189 I came back a second time; yes, sir.

Q. How long after?—A. When I got there again it was between 10 and 11 o'clock, I reckon, as near as I can make it.

Q. How long a time did you stay there?—A. I staid there until, I reckon I got up to the window and had this talk with the men there showed them my receipts; and then they told me, these fellows out side, the best thing I could do would be to get away from there, and was afraid I would get into some trouble, so I went away.

Q. Did you go back again?—A. No, sir.

Q. And then remained away?—A. I then remained away; yes, sir

(Signature waived.)

190 D. T. JEWETT, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. Please state your full name.—Answer. D. T. Jewett.

Q. What is your age?—A. Well, I am over sixty.

Q. Where do you reside?—A. In St. Louis.

Q. How long have you resided in St. Louis?—A. Twenty-three years and a half.

Q. What is your business?—A. Lawyer.

Q. How long have you been at the bar?—A. About forty years.

Q. Have you ever held any public position; if so, what?—A. Well I have been since I have been in this city—I have been a member of the legislature, and was for a short time United States Senator, being appointed by Governor McClurg.

Q. State, Mr. Jewett, whether or not you were one of the commissioners that was appointed to visit the board of revisers last fall.—A. I was.

191 Q. Did you visit that board of revisers?—A. I did one day.

Q. How long were you present?—A. During their entire session, which was, I should say, less than an hour.

Q. Where did they meet?—A. They met in a room in the city hall I think the council chamber. I was there during their entire session which was less than an hour.

Q. Was that the first day of their meeting, or what day was it?—A. I can only speak from information. It was not the first day. It was about two or three days before the last day, when they finished the work.

Q. Mr. Jewett, narrate the proceedings of that board during your visit there.—A. Well, I waited there some time after I got there before they got together, then the president called the meeting to order, and a gentleman acted as clerk of the board, whom I believe to have been Mr. Gonter, but I don't know. I did not know his face at that time; he called for reports from the different wards in numerical order; numb-

one was called first, and either the supervisor from that ward or somebody that he sent up—

192 Mr. POLLARD, (interrupting.) Reviser you mean ?
 A. Reviser of that ward, or somebody that he sent up with it carried up to the clerk a list of names, and the clerk said ward number one reports so many. I don't remember the number—my impression is that they started it at about sixty—in that neighborhood—of about sixty names. The clerk began to read the report, saying that one man was stricken off there because he can't be found, another was dead, another was absent, and he went on for perhaps half dozen names—and either by suggestion or a motion, I don't know which, that reading was stopped, and the list was simply received by the clerk. Then number two was called for, and the list—I don't remember the number—but there was quite a number of names—that list was handed in, and the clerk reported that ward number two reported so many names. Then ward number three was called in the same way, and it was reported in the same way, and they kept on in that way, went right through the twenty-eight wards. I think there was 193 one or two or three, perhaps, that didn't answer to the call, but they went through the twenty-eight wards, and each man reported as his ward was called ; there was a list sent up to the clerk, and the clerk announced the number every time that was reported from that ward, and when they got through with that call, Mr. Dye, who was one of the committee with me, said he had a motion which he wished to make to the committee, and they granted him leave. He said there was a man from some ward whose name had been improperly stricken off, and he wanted this name inserted in that list. Well, they said the proper way was to refer it to the member of the ward from which the name was stricken, and it was so referred to him, to that member. I think when they got through that business they moved to adjourn, and the adjournment was taken.

Q. How many names were reported that day by the various revisers of the various wards as having been stricken off ?—A. I think it was somewhere from ten to eleven hundred. As they went along from 194 ward to ward, I had a little piece of paper and I jotted them down one by one, and at the end I think it was somewhere from ten to eleven hundred that were stricken off that day.

Q. Was there any evidence received by that board ?—A. No evidence. No statement by any members of that board that they had any personal knowledge, or whether this person or that person was properly stricken off the list, there was not a word said. I think they went through the wards, and I don't know as anybody said a word, except the clerk, when he called the ward and announced the number that each ward reported. No evidence was asked for; no statement was asked for showing that they had any personal knowledge, or whether those persons should be stricken off or not under the law.

Q. Now, Mr. Jewett, please state whether or not you conversed with any members of that board.—A. After it was through I conversed with two. Mr. Franciscus I knew very well.

Q. Well, what was that conversation, if it was about this matter ?—A. Yes, sir. I asked him what idea he had of proceeding in that way. 195 I suggested to him that, in my opinion, it was a very gross violation of the law. I asked him if he was aware that the law required that no name should be stricken off, except upon the personal knowledge of the ward reviser, or upon evidence produced before the board, and he said yes, he had seen the law, but he supposed the law must be construed

according to common sense; that he hadn't time to go around looking up all the cases; that he couldn't attend to that in that way. I said, "Mr. Franciscus, how did you get those names which you have stricken off"? "Well," he says, "some of them I went after myself. I would go to a grocery store, for instance, and would inquire if they knew any such man living in such a place, and if they said 'no, sir,' that they didn't, I would strike his name off and put his name down on this list." Then I asked him, "Did you do that with every name"? He said "No, sir; I didn't. I hired a man to go around and ascertain and find out in relation to this list which you have just heard read." Then

I says, "You don't pretend that you have any personal knowl-
196 edge of these matters"? And he said, "Only a few of them,
and they were reported to him by the man that he employed for
the purpose. To this latter class the most of them belonged."

(Mr. Donovan, counsel for contestee, objects to continuing this testimony on the ground that Mr. Franciscus himself is the best witness and is within process of this court; further, that it will be admitted we presume, that Mr. Franciscus lives in the southern portion of the city, probably two miles from the southern boundary of the third Congressional district.)

Q. What other conversation did you have on this matter?—A. The other gentleman's name was not known to me personally, I don't know who he was; there was two gentlemen there; Mr. Fischer was at the time a member of the board; his first name has escaped me; I was not personally acquainted with him, but he gave me the same account of the proceeding that Mr. Franciscus did, and the way the names were gotten up. I tried the best I could to have them follow the provisions of the act, to go according to the real provisions of the law; but
197 I didn't seem to make any impression upon them; they didn't promise any different mode of proceeding from that.

Q. Mr. Jewett, it is in testimony here by the recorder of voters that over twelve thousand names were struck from the registration lists by those revisers. State whether or not, from your acquaintance with the law and its workings, what number of names could have been stricken from that list; that is, if a careful and just examination had been made in regard to the propriety of so striking off these names—I mean in the time that this board had to do it in.

(Mr. Donovan, counsel for contestee, objects to the question, unless Mr. Jewett can qualify himself as an expert and give answer that he knew the number of names stricken off at the previous revision, and had familiarized himself with the subject.)

A. Well, I could not form a very accurate opinion anything further than from what my knowledge of legal proceeding was. But judging from the time the board sat, while I was present on that day, and it was reported to me as a usual sitting, then they could not have begun
198 to have investigated a tenth part of the names that they struck off that day, that they reported stricken off. I think they could not have been in session longer than from half to three quarters of an hour; I don't think it was an hour; they didn't commence until about four o'clock, I think, in the afternoon, and they were through in a very short time.

(Mr. Donovan, counsel for contestee, objects to the answer, for the reason that Mr. Jewett's whole experience in regard to boards of revision is confined to one day, and what he now states is just simply his opinion.)

Q. How many wards are there in the city, Mr. Jewett?—A. Well, the order of proceedings laid down twenty-eight, I think.

Q. Mr. Jewett, do you know from any personal knowledge, or by common report, what proportion of those revisers were Democrats?—A. Well, I think—but I have no personal knowledge of the matter—I think I was told they were all Democrats except two, or else three, 199 though it might have been four; I am not positive about that. It was said that the chairman was a Republican; I was not personally acquainted with him.

(Mr. Donovan, counsel for contestee, objects to Mr. Jewett's thoughts on the subject if he is not familiar with the fact concerning which he is interrogated.)

Q. Mr. Jewett, what party controls the machinery of the city government and did so control it at the date of the last election?—A. That would be a rather difficult question to answer. Overstolz, as mayor, I think.

Q. I don't mean the mayor alone.—A. The understanding among all parties, I believe, was that the machinery of the election, so far as judges and revisers was concerned, was controlled by Democrats. That is the understanding that we Republicans had.

Q. Is it not a notorious fact, Mr. Jewett, in this city that the working of this registry law, as carried into effect at and prior to this last election, resulted in gross outrages and frauds?

(Mr. Donovan, counsel for contestee, objects to the general 200 sweeping nature of that question, because it asks for an opinion, not for facts on which the Committee on Elections could form any opinion.)

A. The only answer I could give to that is, that it was the understanding and belief among Republicans with whom I talked and acted, especially as we discussed it in the Union League, that the revision of the voters' list was a very gross act of fraud perpetrated upon the Republicans. By fraud I mean illegal proceeding—a violation of the law.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Who is Mr. Franciscus?—A. Well, he was for a good many years here a private banker, a gentleman of standing and property. I think he is not in any business now.

Q. How long has he lived in the city of Saint Louis?—A. I can only say I have known him ever since I have lived here; twenty-odd years I have known him.

Q. He is a reputable citizen and a man of the highest integrity? 201 —A. I think Mr. Franciscus has a good reputation as a gentleman and a citizen, and I never heard anything against him as to his private character.

Q. But he is known as one of our most prominent citizens, and is a man of the highest integrity?—A. I think he is known, so far as I know, as a most respectable citizen; that would be my opinion of his reputation.

Q. You do not know what his politics are, whether he is a Democrat or Republican?—A. Well, I always understood him to be a Democrat.

Q. You don't know the fact?—A. I only know that as I know other people's politics, by reputation. I never had a political discussion with him in my life that I know of, but I have not any doubt that he is a Democrat in his politics any more than I have of hundreds of other people whom I know well by reputation. I have never conversed with him about it.

Q. But you could not swear to his politics one way or the other ?—A.

202 Q. How many hours were you at this board of revision ?—A.

Well, I was there from the time I called it to order until they adjourned, and it was not an hour in duration.

Q. Is that the first, last, and only time that you ever noted the working of that or any other board of revision ?—A. By no means. It is the first and only time that I ever noted the workings of this board; this is, the last board. During the Drake constitution I had a good deal to do with the boards of revision and registration also.

Q. How many years ago was that ?—A. Well, that was after the constitution was formed in 1865, until it was changed by the new constitution.

Q. That is fifteen or sixteen years ago ?—A. No; I commenced to attend to those matters about '65 or '66, and I continued along until 1870 and since 1870 I never went near any other board of revision until this last election.

203 Q. Well, this board of revision struck off a great many names, did they not ?—A. Well, from my recollection they struck off some but never received any evidence touching the names, so far as I know.

Q. Well, the names were given to the board or to the gentlemen assigned a particular district ?—A. No, sir; given to the board.

Q. You now believe it would be an impossibility for that board during the time they were called upon to act, to take the testimony regarding the death or removal of twelve thousand people ?—A. Well, as many as that ought to have been stricken off according to the law I think it is very doubtful whether they could have accomplished the work in the time that they acted. But they didn't, so far as my knowledge was concerned, devote more than an hour a day to their proceeding. How much they could have investigated, if they devoted all the time that the law gave them to personal investigation in their ward it is impossible for me to say, or to form any opinion.

Q. Under the law the board of revision sits for about ten days, I believe; is that a fact ?—A. The law will speak for itself as to the number of days.

204 Q. Since you paid some attention to the subject, how many days does the law require the board to sit ?—A. My impression would be ten days, but I am not positive.

Q. But it seems to be your opinion that it would be impossible to take testimony regarding 12,000 deaths or removals in that time ?—A. Well, I should say that they could not take the testimony with reference to the 12,000 cases in ten days.

Q. Therefore they had to adopt a different system, and it was for this reason that they appointed a reviser from each ward to do the work of that ward ?—A. Well, my belief is, that there were not anything like twelve thousand names that ought to have been stricken off. For what purpose that was done, of course I have no personal knowledge except the general belief, that it was done by the committee who went around and hunted up these names; whether they were right or wrong whether they should or should not be stricken off, I have no means of knowing.

Q. I am afraid you are permitting your prejudices as a part 205 son to overcome you. You have not yet answered the question that I asked you, but you have volunteered a statement that you have now made, and I ask the notary to repeat my former question.

(Question read.)

A. Well, I could not answer that question in the way you put it. I say that they were not under the necessity of adopting any such proceeding as they did, for, according to my judgment, the proper way for them—just wait a moment, I shall answer the question now—the proper way for them to have done was to have devoted their time to personal investigation; to have called testimony and to have confined themselves, in my opinion, to the duties that the law imposed upon them; if they could not get through all of the cases that was a defect in the law, but it didn't call upon them to violate the law for the purpose of striking off names of which they had no personal knowledge.

That is my judgment. That is the judgment I would form, and 206 that is my answer to your question. And there was another gentleman there who told me also just what Mr. Franciscus did.

Q. Whose name you don't know?—A. No, sir.

Q. And the information that you gathered from those parties was, that it would have been an utter impossibility to have taken testimony regarding twelve thousand names in the time allotted to them, and that there was not any other mode of procedure left open to them but to appoint revisers for each ward?—A. I don't think they were under any obligation to appoint revisers for each ward.

Q. They had to do the work under the law in that time?—A. They should have left it undone rather than have violated the law. I only say that in my opinion it was a gross violation of the law in doing as they did. I don't hold that it was their duty to violate the law for the sake of striking off names of which they had no knowledge nor 207 evidence before them; that they were acting upon persons who were subject to their jurisdiction.

Q. Members of the board?—A. I don't know what you mean.

Q. Were these men who handed in these reports members of the board?—A. So far as I noticed they were generally members of the board. I gathered that impression from the fact that some of them rose in their places and gave out the list to the boy, and some of them went with the paper themselves and went up to the clerk. I didn't know them all personally. I assumed they were all members of the board, because they answered when their ward was called.

Q. Don't you, as a matter of fact, Mr. Jewett, know, in a city of 350,000 inhabitants, a large number of removals take place between the times of registration?—A. I have no personal knowledge upon that matter at all, but I have no doubt that a large number do move.

Q. There are a great many people that are moving, constantly going from one district into another?—A. You say there are; may be 208 so; I don't know anything about it, except as a matter of general information. I have no doubt but a great many people remove.

Q. Don't you know that there are a large number of removals?—A. I think very likely there are; I presume there are.

Q. Who was this committee of the Union League (which, I believe, was a Republican organization, and formed to look after the interest of the Republican party) which visited this board of revisers?—A. I think it was Mr. C. C. Simmons, Mr. Dye, and myself.

Q. And you were treated with the respect due to you?—A. We went in and sat down in seats that were not occupied, or likely to be occupied, and sat quietly still, and nobody undertook to turn us out.

Q. Mr. Dye, one of the members of the committee, made a motion in regard to a man's name, and the board took respectful action on

209 his motion, although he was not a member of that board?—A. Certainly they did.

Q. You stated that while you were present ten or eleven hundred names were reported stricken off for one cause or another, dead or removed, or changed their place of residence; of that ten or eleven hundred how many did you personally know?—A. I don't know that I knew one of them, because their names were not called, not a single one of them; and I don't know but what I knew a great many of them. I had no means of knowing the name of any citizen that was stricken off.

Q. You don't know whether they were Democrats or Republicans?—A. Not the least idea from anything that I learned there.

Q. And you do not know but that the board's action in that regard was perfectly honest, as far as they were concerned?—A. I only know that the proceeding was contrary to what was plainly the law, if 210 my opinion; that is all I know about it.

Q. You have your idea about the law, and you believe that in a case where a man is dead it is the duty of the board to bring witnesses before the board to prove his death before he is stricken from the list?—A. I will refer you to the reading of the law. As I read it, it required that before a person could be stricken off by the reviser the board should receive testimony.

Q. I believe you have admitted that you know that Mr. Franciscus of whom you spoke, is not a resident of the third Congressional district?—A. I have not admitted so, because I have not been asked the question.

Q. Will you now testify to that fact?—A. I only know Mr. Franciscus's residence from being at his house, perhaps six or seven years ago. From my impression and judgment, it is not in that part of the district which is known as number three.

Q. Do you not know that Mr. Franciscus is living, and he 211 lived for a great number of years past, some two miles south of the southern portion of the line of the third Congressional district?—A. I told you that I visited Mr. Franciscus's house five or six years ago, I think it was; and I think it was then on Lafayette avenue and, from general reputation, I have no doubt it is there now.

Q. You do not know that any of the names that he reported on live in the third Congressional district?—A. I don't know anything about that, because no names were given at that report.

Q. You think it probable that the report of the names in the district in which he lived, or in the ward in which he lived, referred to the third Congressional district?—A. What I think is probable I don't believe has anything to do with the matter; but I have no doubt that Mr. Franciscus reported in reference to names in his ward without him having any personal knowledge.

212 Q. Which ward could not, under the circumstances, be in the third Congressional district?—A. I have no doubt it was not in the third Congressional district, as a matter of fact, but all the same proceedings were had with reference to every single ward; only I had no conversation with the other members of that board, not knowing them personally, and not having time to discuss them all.

Q. You gave that as a matter of opinion without knowing the fact. WITNESS. What fact do you mean?

Q. You have stated here that this was done by all the wards of the city, although you only conversed with one member of the board of revisers?—A. I didn't say that that was done in all the wards of the

city. I was not understood rightly. I meant to say at that meeting of the revising board each member of each ward handed in his list in the same way that the list came there, and Mr. Franciscus's ward 213 amongst them, without giving names or any reasons why they were stricken off.

Q. You, then, didn't mean to say that all the other members of the board of revision didn't personally acquaint themselves with the facts which they reported to the board?—A. I could not say. I have no knowledge whether they did or not at all.

Q. What was your answer to Mr. Pollard's question as to who controlled the machinery of the city government?—A. My impression is that I stated that it was generally understood that the machinery of the last election, so far as it related to the appointment of judges of election and of the revising board, was controlled by Democratic influence.

Q. You stated that you did not know the politics of Mayor Overstolz?—A. No; I didn't say that.

Q. What did you say in regard to Mayor Overstolz?—A. I have forgotten exactly what I said about it.

214 Q. What would be your answer now if I asked you regarding the politics of Mayor Overstolz?—A. All I know about the politics of Mayor Overstolz is the public talk about him; but, putting this and that together, it is considered very uncertain which side he is on.

Q. He was elected by both parties, the Democrats and the Republicans, was he not?—A. It is reputed that he was elected by Democrats and Republicans.

Q. But in the distribution of the patronage of his office, has he not appointed both Democrats and Republicans to office?—A. I think there are some cases in which he has appointed Democrats to office, and Republicans to office; that is the general reputation. I have taken no active part in procuring any appointment from Mr. Overstolz; never have asked him to make an appointment, and know nothing about it, except what I see in the papers, and what I hear talked about.

Q. But in the appointment of the members of the board of 215 revision, did he not hold the balance even, and appoint Republicans as well as Democrats as members of that board?—A. I have no personal knowledge about that, except general reputation.

Q. Well, as a general reputation, did he or did he not?—A. Well, he did not hold his balance even, so far as I know his reputation among Republicans, in his appointments; a large portion, the large majority, of that revising board is Democrats, and (if you want to know the reputation further) with the express intention that that board should be run in the interest of the Democratic party; that was the public talk, and that is all that I know about it.

Q. That was old woman rumor?—A. No, I don't think it was; I think it was the belief of every well-posted politician.

Q. Well, it is that character of belief that partisans entertain during the excitement of an election?—A. No, I think it is the belief 216 that would force itself upon the mind of any man who examined the facts, no matter what politics he belonged to.

Q. You think that if somebody had examined the facts, they might ascertain that Mayor Overstolz had departed from his usual course of dividing the offices between Republicans and Democrats, and this time leans towards the Democratic side?—A. I didn't say any such

thing; I never said that his usual course was to divide the offices between Democrats and Republicans.

Q. You have an impression that in the appointment of this board of revisers he had leaned to the side of the Democratic party, appointing more Democrats than Republicans?—A. I have very decidedly the opinion, that he did appoint a great many more Democrats than Republicans on that board.

Q. You got that impression in the rooms of the Republican committee or this Republican organization known as the "Union League"?—A. Not altogether; I think I got it from conversation with people interested in the election.
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Q. But that was talked of there?—A. I think very likely; I have no very distinct recollection about it, but I have no doubt it was talked over.

Q. And the Union League committees saw that not only the work of the board of revision, but the work of registration, in the office of the recorder of voters, was properly attended to?—A. I don't know that understand you; I am not aware that they appointed any committee to oversee the work; they appointed us as a committee to go there and see what the proceedings of that board were with reference to striking off the names of voters. As to any other committees about the registration, I had nothing to do about it. I don't know that there was any committee appointed to look after the registration of the voters, and I don't know but what there were.

Q. The Union League is composed of prominent Republicans in this town, is it not?—A. It is so intended and designed to be.

Q. And the object of the formation of that powerful association was to see that every Republican in this town who was entitled to cast vote or entitled to be registered, was entitled to have his name on the board of revision and should remain there?—A. No; I don't think was formed for that purpose.

Q. Do you know for what purpose it was formed then?—A. Well, to promote, as far as they could, the general success of the Republican party at the November election.

Q. And to see that no fraud was perpetrated upon Republican voters?—A. I don't think there was any express provision of that kind in the constitution; I don't remember it.

Q. But that was among the duties that they assumed, was it not?—A. They assumed it so far as I have said, but I don't know what they did further than that they appointed committees to look after such matter as they thought would promote the success of the Republican party by fair means in a fair and proper way.
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Q. Do you know the majority of the members of that board of revision?—A. I don't by personal acquaintance, nor by reputation that now remember; at least I only know a few of them.

Q. Was it not generally understood at that time that that board was composed of men of prominence and of men of positive integrity?—A. I could not say that because I don't know anything about the reputation of most of them; I could not say that it was not so.

Q. Was there any charge made against any one of them for any want of faithfulness in the discharge of his duty?—A. Yes; the charges were made against every one of them, that they had violated the law in the way and manner in which I have described and that they had struck off a great many names without any authority of law, or without any reference to the law.

220 Q. But was there any charge made that they were wanting

honesty!—A. I don't know what you mean by honesty; I don't mean that they stole.

Q. That they were at all disposed to perform their duty as assigned them in an unfaithful manner?—A. Yes; there were various charges; they were nearly all of them charged with performing their duties in violation of the law; not only in violation of the law, but they were doing it with the intention of affecting the result of the election in this city.

Q. You have given us your idea about that and your idea of the law, things that I have not asked you about; I am asking about the personal reputation of the men appointed by the mayor of the city of Saint Louis to compose that particular board of revision?—A. I told you already, sir, that I have no knowledge personally of their general character, except a few of them.

Q. But those few were all men of the highest character?—A. I wouldn't say that.

Q. You will admit that of Mr. Franciscus?—A. It is not worth 221 while going over that; I have already stated it. I have no objection to answering any question that you want me to answer.

Q. Do you know whether or not Mayor Overstolz appointed this board of revision?—A. I know nothing about it any further than the law requires that he shall appoint it, and it was reputed that he did; this much I know.

Q. The mayor being one of our most prominent citizens, I would like to ask you now if you know or have any idea as to Mayor Overstolz voting at the last election, whether for Hancock or for Garfield?—A. I haven't the least idea and don't care a copper which way he voted; the papers of the city state that it is not known which way he voted; that is all I know about it.

Mr. POLLARD:

Q. Mr. Jewett, wasn't it a matter of common report and general understanding in this city that the action of that board of revision was a great wrong to the Republican voters of the city?

222 (Mr. Donovan, counsel for contestee, objects to the question on the ground that it calls for matters of common rumor and common report and not for any testimony upon which the committee acting upon this report can form any judgment.)

A. I think that was the general repute among those with whom I conversed, but those were generally Republicans; I can't say that I talked much with the Democrats; that was the general reputation among those with whom I conversed.

Mr. DONOVAN:

Q. You are a Republican, Mr. Jewett?—A. Yes, sir.

Q. And have been all your life?—A. No; the Republican party has not been in existence all my life.

Q. Ever since the Republican party was started?—A. Yes, sir.

Q. And you were a member of this organization which was Republican, known as the Union League?—A. Yes, sir.

Q. There was, of course, great interest taken in the last election?—A. Well, I think it was generally understood that there was considerable interest felt on both sides.

223 Q. And many things were said that afterwards proved not to be true?—A. I wouldn't be able to say that there were things said that were proven not to be true; calculations were made in regard to the result of the election.

Q. Well, all sorts of charges and countercharges are made at election times, are they not, in your experience?—A. Very apt to be and generally are.

Signature waived.

Not being able to complete the taking of these depositions, I adjourn the further taking of the same until to-morrow, Monday, February 1881, then to be continued at the same place at the hour of half past twelve o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

*Notary Public, City and County of Saint Louis, Mo.—
Term expires, March 13, 1882.*



No. 8.

Pursuant to adjournment as above stated, on the seventh day of February, 1881, at the hour of half past nine o'clock in the forenoon, I continued the taking of said depositions as follows :

W. L. B. G. ALLEN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Q. Question. What is your first name?—A. Answer. W. L. B. G.

Q. Q. Where do you reside?—A. In Saint Louis.

Q. Q. How long have you resided in Saint Louis, Mr. Allen?—A. Since 70.

Q. Q. What is your business, Mr. Allen?—A. Well, at present I am secretary of one or two companies.

Q. Q. State whether or not you were deputy of E. T. Allen, chief supervisor at the last November election.—A. Yes, sir; I was.

Q. Q. State whether or not you received from the various supervisors their returns of ballots which they brought to that office?—A. I did.

Q. Q. State whether or not you have in your custody and control the ballots that were returned by these supervisors?—A. I have.

Q. Q. And the books so returned?—A. Yes, sir.

Mr. DONOVAN: I will have to object to the testimony of this witness in regard to the books or ballots left with the United States supervisor, for the reason that he is not the proper officer in charge of the same, inasmuch as the law does not contemplate that the supervisor shall have a deputy for that purpose. And the chief supervisor himself has been subpœnaed in this case, and is the proper party to give testimony regarding the records of his own office, and not his deputy.

3 By Mr. POLLARD:

Q. Q. Where have these ballots been kept since they were returned by the supervisor?—A. They have been kept in the safe of the chief supervisor's office.

Q. Q. Who has had an opportunity to open and examine these ballots since they have been in that safe?—A. No one. They have been sealed up.

Q. Q. By whom were they sealed up?—A. By myself.

Q. Q. When?—A. When they were received from the deputy supervisor.

Q. Q. And have they since been unsealed?—A. Not at all. They are not unsealed now.

Q. Q. Have you a memorandum made as to the result of these ballots, which were returned to you by the supervisors from the third Congressional district?—A. Yes, sir.

4 Q. Q. Have you it with you?—A. Yes, sir.

Q. Q. Let me look at it, please. When was that memorandum made, Mr. Allen?—A. That memorandum was made when the books had been received—as soon as the reports were made.

Q. Q. What does this memorandum show?—A. This memorandum shows a statement of the number of votes received by Messrs. Frost, O'Connell, and Sessinghaus, without scattering them around; and also the

number of rejected tickets taken by them under the instructions of the chief supervisor.

Q. State whether or not there were any tickets rejected by the judges of election which were not brought by these supervisors to the chief supervisor.—A. O, yes; in a number of instances the supervisors have told me, and have made mention in their report of tickets which were rejected, and in some instances they stated that they were put into the ballot-box as rejected tickets—the tickets that these gentlemen had received—instead of returning them to the chief supervisor they were put into the ballot-box as rejected tickets.

Q. Instead of being returned to your office?—A. Instead of being returned, as they were instructed.

Q. How many tickets, Mr. Allen, were returned by these supervisors from the third Congressional district of Missouri? When I say ticket I mean ballots.

(Mr. Donovan, counsel for contestee, objects to the witness testifying from a memorandum when the official records themselves are present, and for that matter is wholly and totally irrelevant to this issue.)

A. There are 191.

Q. (By Mr. POLLARD.) How many of those, if you can tell without an investigation of the ballots, were for Mr. Sessinghaus?

(Mr. Donovan, counsel for contestee, objects to the question for the reason that the gentleman is again testifying from a memorandum when the official returns themselves to the supervisor in chief are held within two feet of the witness.)

A. There were 130.

By Mr. POLLARD:

Q. How many for Frost?—A. 61.

Q. State whether or not you have now in your hands the ballots that were returned from the supervisors of the third Congressional district to the chief supervisor.—A. I have.

Q. State, Mr. Allen, if they were reported numerically as regards district and precinct.—A. The numbers of the precincts and the names of the supervisors is on the outside of the package.

Q. Please turn to precinct No. 37, if you have it there. Now, please open your envelope which contains the ballots which are returned by the supervisors from precinct No. 37, and give us the name of the supervisor in that precinct?—A. Charles E. Moss is the supervisor.

Q. State how many ballots were returned by that supervisor from that precinct.—A. Three (3).

Q. Who cast those ballots, and who are they for for Congress?—A. Well, you want the man's name and residence?

Q. Yes, sir.—A. And the person whom he voted for for Congress As they are given, I would like to put them right into another envelope as fast as I get through, so as not to have them mixed up.

Mr. DONOVAN. As this will be a long examination, counsel for contestee desires to object to any testimony regarding these papers, because if they are considered a ballot, then a ballot is secret and sacred and the witness on the stand has no right under the law to testify regarding for whom they were cast, or to examine them for any such purpose, if they are to be considered at all as a ballot.

A. I would like to state here the instructions under which these were taken, so as to show how the chief supervisor comes possessed of them. There were several instructions given to the supervisors that

whenever any ballots were rejected, that they might, if the parties would so do, take those ballots, with the name of the parties voting written on the back, and report them in to the supervisor.

By Mr. DONOVAN:

Q. Who were those instructions by?—A. By the chief supervisor.

By Mr. POLLARD:

Q. Now, go on, please.—A. Here is the ballot of R. H. Smith, 10 room 59, fourth floor of Ashley building; voted for Sessinghaus. George W. Lumpkins, 1224 Broadway; ballot cast for Frost.

Mr. POLLARD. Whenever you come to what is known as a Chronicle ticket I wish you would so state.—A. Yes, sir. Mr. McCarty, 1222 Broadway; I can't tell his given name; he voted for Frost. You want me to take them in rotation as they come in?

Q. Yes. Now, precinct No. 39.—A. Precinct No. 39, brought in by Louis Schellhamer, supervisor; one vote; no name on the back of it; voted for Gustavus Sessinghaus. We might tie those votes together by reference to the report. His report might tell what it is.

Q. Please examine the supervisor's report for precinct No. 39, 11 if you have it there, and see what it shows with regard to who this voter was.—A. There is nothing in here to show who cast that vote.

Q. Now, please examine the supervisor's report for precinct No. 40.—A. M. C. Irish, supervisor; two (2) votes; Robert N. Carman, with no residence; voted for Sessinghaus. Simpson Jackson, no residence; voted for Rosenblatt.

Q. Please look at precinct No. 42, and state what you find there.—A. W. S. Gouty, supervisor, four (4) ballots: Steven Curtin, 1206 North Seventh; voted for Frost. M. J. Behan, No. 1206 North Seventh; voted for Frost. Henry Hochle, 1220 North Seventh; voted for Mr. Sessinghaus. Peter Curran, No. 1221 North Sixth; voted for Mr. 12 Sessinghaus. This is a "Chronicle selected ticket."

Q. It is headed "Chronicle selected ticket"?—A. Yes, sir.

Q. Please give the exact words of the heading of the ticket.—A. "Chronicle's selected ticket."

Q. State whether or not there are any other indications on that ticket of the politics of the individuals on the ticket.—A. Nothing to show but names; nothing else.

Q. Nothing else, whatever?—A. No, sir.

Q. What, if you know, are the politics of the individual names on the ticket?—A. I see some of the electors, who I know to be Democrats; of others I don't know their politics. I know that most of the 13 State officers are Democrats, and the city officers are part Republican and part Democratic.

Q. State whether or not the ticket is badly scratched. If so, to what extent?—A. There are four (4) names scratched out on the ticket. (My reason for sealing these ballots up at this point, immediately after reading them, is that they may not go out of my hands at all, simply transferring them from one sealed envelope to another in the presence of both counsel, so that in the event of there being any further examination I may be able to swear that they have not been touched excepting by me, on this occasion and in your presence.)

Q. Now, turn, please, to the return of the supervisor for precinct No. 49.—A. M. C. Bricky, supervisor, one ballot: Thomas Williams, 14 No. 1217 North Eighth street; voted for Sessinghaus.

Q. Turn now to the report from supervisor for precinct No. 50,

and state who the supervisor was, and the number of ballots returned by him.—A. H. R. Horton, supervisor, two (2) ballots: Joseph Brown, No. 1414 North Eighth street, voted for Sessinghaus; John McKenne, No. 1328 North Ninth street, voted for Frost.

Q. Now please take return of supervisor for precinct No. 52.—A. Michael Pigott, supervisor, four (4) ballots: Charles Beck, No. 1334 North Tenth street, voted for Sessinghaus; James Taylor, No. 909 Bidle street, voted for Sessinghaus; John Pairn, no residence given, voted for Frost; John Schaeffer, no residence given, voted for Frost.

15 Q. Please take up precinct 53, and tell us the name of the supervisor, and the number of ballots returned by him.—A. R. M. Swander, supervisor, nine (9) ballots: Thomas D. Davis, No. 902—this reads Brookton, and I know there is no such street; I suppose it is Brooklyn street, voted for Frost; the next man is John Curran, No. 1531 North Ninth street, voted for Frost; John Yerkes, No. 902 Brooklyn street, voted for Frost; A. V. Wagoner, No. 926 Brooklyn street, voted for Frost; R. M. Dobyn, No. 1513 North Ninth street, voted for Frost; Henry Beuer, No. 1741 North Ninth street, voted for Sessinghaus; P. Shottgen, No. 1708 North Sixteenth—now I can't tell whether that is North Sixteenth or North Tenth.

16 Mr. DONOVAN. It looks to me like North Tenth.

A. What makes me think that probable is that the others are North Ninth; this is more apt to be North Tenth than North Sixteenth; North Sixteenth would be out of the precinct, so it must be North Tenth—voted for Sessinghaus; Joseph E. Johnson, No. 902 Brooklyn street, voted for Sessinghaus; Charles S. Brown, No. 918 Mound street, voted for Sessinghaus.

By Mr. POLLARD:

Q. Now take up the next precinct, No. 54.—A. August Kautzmann, supervisor, twelve (12) ballots: William Johnson, No. 1113 North Tenth, in the rear, voted for Rosenblatt; Frank B. Reeves, No. 1115 North

17 Tenth street, works at Silver Moon restaurant, voted for Rosenblatt; George Johnson, No. 1119 North Tenth street, voted for Sessinghaus; J. F. Hartman, No. 1002 North Eleventh street, voted for Sessinghaus; Jefferson Hall, No. 1121 North Tenth street, voted for Sessinghaus; Joseph Williams, No. 1102 North Eleventh street, voted for Sessinghaus; Frank Walker, No. 1123 North Tenth street, voted for Sessinghaus; A. Mayer, No. 1008 North Seventeenth, voted for Frost; Nicholas J. Ryan, No. 1116 North Eleventh street, voted for Frost; John B. Osterman, No. 1013 North Tenth street, voted for Frost; Charles Belcher, No. 1112 North Eleventh street, voted for Frost; Patrick Carley, No. 1125 North Tenth Street, voted for Frost.

18 Q. The next precinct, I believe, is No. 70; what do you find there?—A. William Milfeil, supervisor, four (4) ballots: John Walsh, No. 307 Webster street; voted for Frost; Griffin Hemphill—I wouldn't want to swear as to what that number is; it may be 1913 North Ninth; that is the best I can state.

By Mr. DONOVAN:

Q. Is that in district No. 70?—A. I don't know whether it is in that precinct or not. He voted for Mr. Sessinghaus. It may be 1913 North Ninth street.

By Mr. POLLARD:

Q. But you can't swear to what it is?—A. I can't swear to what it is; the vote was for Sessinghaus; G. W. Ball, 1913 Broadway (that shows

19 that nineteen would bring it in the precinct), voted for Sessinghaus; Otto Henkill, No. 1918 Broadway, voted for Sessinghaus.

Q. Now please turn to precinct No. 71, and give the supervisor's name and the number and names of the ballots returned by him.—A. George Yulnan, supervisor. In this lot there are eight (8) ballots—full ballots—and two (2) ballots in which there is nothing but the figures. It came in two (2) pieces. I don't suppose you gentlemen wish to do anything with this; the names are on the list.

Q. Give us merely the names and residences of those who voted full tickets, and for whom they voted?—A. Michael Walsh, No. 2414 Broadway; voted for Frost. J. W. Malin, No. 313 Chambers street; voted for Frost. F. W. Giescker, No. 2904 Broadway; voted for 20 Sessinghaus. Joseph Smith, No. 2512 Broadway; voted for Sessinghaus. Julius F. Krieg, No. 2204 Broadway; voted for Sessinghaus. Constantine Mast (it is written in German, that name), No. 223 Springfield street.

Mr. DONOVAN. While they are examining this writing I would like to make an objection to the investigation of these papers, for if they are to be considered ballots then they are being so examined without the order of any court or any officer, and it is a violation of the vote of the voter.

A. Mast voted for Sessinghaus.

By Mr. METCALFE:

Q. State what the number is; state whether you are able to make out any street.—A. I am not able to make out the street; the 21 number is 223. G. Dugles, No. 3018 Broadway; Sessinghaus. Paul Preehsel, 2919 Broadway; voted for Sessinghaus.

Q. Now, please turn to precinct No. 72, give the name of the supervisor, and the number and names of ballots returned by him.—A. Charles Beck, supervisor. Two ballots. Fred. Howarth, 2019 N. 10th street; the receipt is on the back of this ticket. There is also a witness who says, "Rejected by the register because struck off by the board of revision."

Q. Who did he vote for?—A. Sessinghaus. John Green, no residence; voted for Frost.

By Mr. DONOVAN:

Q. You may read what appears on the back of the ticket.—A. Witnesses: L. A. Labaum, F. H. Partridge, 12:30 p. m.; Judge Otto D'Amour, absent.

By Mr. METCALFE:

22 Q. Now turn to precinct No. 73, give the supervisor's name, the number and names of the ballots returned by him, and who they voted for for Congress.—A. Adam Cramer, supervisor. Three ballots. F. Bloss, 940 Montgomery street; Sessinghaus. George A. Myers, 812 Benton street; Sessinghaus. David Roskilly, no residence and nothing else on the ticket; voted for Sessinghaus.

Q. Now take up precinct No. 85.—A. Julius J. Schmidt, supervisor. One ballot—

By Mr. POLLARD:

Q. Henry Indemnourt; state whether or not that is written in German.—A. It appears to be written in German text, as near as I can make it out; 4039 Broadway; voted for Sessinghaus.

23 Q. Now turn, please, to precinct 87, and tell us the name of

the supervisor, the number and names of the ballots returned by him, and for whom they voted.—A. William Greamert, supervisor. John R. Thomas, one ballot; no residence; for Sessinghaus.

Q. We will next take up precinct No. 118, which seems to be rather a large one; give us the name of the supervisor, the number of ballots returned by him, the names of those voting, and for whom they voted?—A. Adolph Moll, supervisor. Twelve ballots. Charles Geisler, 1118 North 14th street; Frost. M. J. Sullivan, 1128 North 15th street; Frost. Ed. McEvil, 1017 North 14th street; Frost. Edward Lewis, no residence; Sessinghaus. T. H. Evert, 1110 North 14th street; Sessinghaus. Thomas Kaiser, 1011 North 13th; Sessinghaus. August 24 Washausen, 1013 North 13th street; Sessinghaus. John Courino, 1017 North 13th street; Sessinghaus. Peter Ilmer, No. 1401; no street to it; voted for Sessinghaus. Charles P. Mueller, No. 1124 North 14th street; Sessinghaus. Louis F. Harding, 1118 North 14th street; Sessinghaus. Jacob Postel, 1008 North 14th street; Sessinghaus.

Q. Now, please turn to precinct 143, and read off the name of the supervisor, the number and names of the votes returned by him, and for whom they voted as for Congress?—A. C. F. Anderson, supervisor; twelve tickets. Henry Honkomp, No. 2213 N. 15th street; Frost.

Q. Will you state what that ticket is?—A. It is headed "Citizens' selected ticket."

Q. State whether or not some Democrats and some Republicans 25 are upon that ticket as candidates.—A. Well, I am not very well posted; I should think most of them are Democrats.

Q. There are some Republicans?—A. Yes, sir; some are. I don't take much interest in politics. The most of them are Democrats. A minute on the back of the ticket, together with the name, "Refused to allow him to register; voted 10 a. m. That man's vote is handed to the supervisor."

By Mr. DONOVAN:

Q. Do you know what it means?—A. No, sir; except what I have said. Ch. Eggeman, 1607 Exchange Place. Sessinghaus.

By Mr. METCALFE:

Q. What is on the back of that besides the name?—A. "Refused to allow him to register." Here is a ticket, Republican; undoubtedly b~~e~~ a German; the ink has run together so that I don't think I can decipher it.

26 Q. State what the name appears to be; state if you can make any name out of it.—A. It might be made Herman S. Springmeier; the residence is plain, "2112 North Sixteenth, formerly at 1523 Madison."

By Mr. DONOVAN:

Q. What else is on that ticket?—A. "Voted 1.55 p. m.;" Sessinghaus. H. Tiernan, 2110 North 14th street; voted at 1.17 for Sessinghaus. J. H. Landwehr, 2107, without any residence; then it says, on the same ticket, "His son's name being the same, and at the same number, was refused the privilege of registering;" voted for Sessinghaus. William Moore, 1514 Madison, "Refused to allow to register; voted at 10.10 a. m.," for Sessinghaus.

By Mr. METCALFE:

Q. What you read, Mr. Allen, is from the back of the ticket?—A. From the back of the ticket. Augustus Mueller, 1411 Ex-

change, "Refused to allow to register; voted at 10.25 a. m.;" Sessinghaus. H. Struebel, 1309 Exchange street, "Refused to allow to register; voted 8.25 a. m.;" voted for Sessinghaus. William Mueller, 1303 Exchange street, "Refused to allow to register; voted 8 a. m.;" Sessinghaus. G. Goedecke, 1306 Monroe street, "Refused to allow to register; voted 7.35 a. m.;" voted for Sessinghaus. Beckman (without any initial), 1411 Exchange, "Refused to allow to register; voted 6.50 a. m.;" voted for Sessinghaus. George Springmeier, 1319 Exchange street, "Refused to allow him to register; voted 11 a. m.;" for Sessinghaus.

Q. Now take up precinct 146, and give us the name of the supervisor, the number of ballots cast, by whom cast, and for what person?—A. J. Kurtzeborn, supervisor; four ballots. Fritz Hohmann, "2728 North 15th street, on book; actual residence 2827 North 15th street; 9 o'clock a. m.; voted for Sessinghaus. H. Ermentraut—

Q. Isn't that a letter u?—A. It is undoubtedly an n here. No. 1420 St. ave; that is what it reads.

Q. State whether or not that might not be Ermentraut; whether that letter which appears to you to be an n might not be a u?—A. It might be two i's.

Q. It might also be u, might it not?—A. Certainly.

Q. It appears to be Ermentraut to you?—A. Yes, sir.
29 Q. And it is written in German text, is it?—A. Yes, sir.
Voted for Sessinghaus "Christian Haeckel, No. 1325 Saint Louis avenue; 1.30 p. m.; for Sessinghaus. "J. Cernery, 1525 Saint Louis avenue; 3.20 minutes p. m.;" Sessinghaus.

Q. Now, please take up precinct No. 149, and pursue the same course as to name of supervisor, number of ballots returned by him, by whom deposited, and for what party.—A. Albert Bornmueller, supervisor; two ballots; "W. Becker, 1609." I presume that is meant for "Monroe, received under protest, vote not counted," voted for Sessinghaus. "Charles M. Milson, 1637 Benton street, received under protest, vote not counted," voted for Sessinghaus.

30 Q. Please take up 150 next, and give us the name of the supervisor, the number of ballots returned by him, by whom those ballots were cast, and for what office?—A. James B. McGroarty, supervisor; 16 ballots; "E. Swand, 1662;" is written over once or twice, but looks like "Benton;" voted for Frost. "Louis Loebig, 1711 North Market;" Frost. "John Small, 17 Howard;" for Sessinghaus; (it just says "17 Howard"). "Henry Meierhoff, 1705 North Market;" Sessinghaus. "Andrew Burke, East Twentieth street, between Mullanphy and Exchange;" Frost. "Daniel Caddington, 1604 East Twentieth street;" Frost. "John Bruns, 2124 North Nineteenth street;" Sessinghaus. "William Wagner, 2111 Nineteenth street;" Frost.

31 Q. State what that ticket is headed.—A. "Citizens selected ticket."

Q. State whether or not there are any Republicans on that ticket, the names of any Republican on that ticket.—A. I can see one or two.

Q. So there are some Republicans as well as Democrats?—A. There is one I know as a Republican, the others I don't know. "Louis Schmilt, 1729 North Market;" Frost. "Christ. Hilf, Nineteenth street, 1201," voted for Sessinghaus.

By Mr. DONOVAN:

Q. Is there anything on the back of that ticket?—A. No, sir; there

is nothing on the back, excepting the number of the precinct and the supervisor's initials. "F. Vogeler, 1711 North Market;" Sessinghaus. "Albert Tyler, 2105 East Eighteenth street;" Sessinghaus. "Fred Kramer, 1733 North Market street;" Sessinghaus. "Th. Krantfuss, 1612 Monroe street," voted for Frost; and here is a ticket attached to it issued by Charles G. Gonter, recorder of voters, which reads, "Bring this with you when you next transfer. Fourteenth ward, 143 precinct." It is one of the red tickets which Gonter issued.

By Mr. DONOVAN:

Q. There is another number underneath, either in blue ink or green ink.—A. It has been scratched. I have read what it is now, 143~~1~~ district.

Q. What was the number before? You can see 5 under the 4.—A. ~~A~~ 3 under that 3.

Q. Well, then, it appears to have been 153?—A. I can't say that—whether it was 53.

Q. But over it is written 143 in plain figures?—A. It reads now 143.

Q. You don't know what it was when it was given to the ~~the~~ voter?—A. I have no means of telling that.

By Mr. METCALFE:

Q. You merely know that it was attached to the ballot when the ~~the~~ came in?—A. Yes, sir.

By Mr. DONOVAN:

Q. The registration ticket is appended to show that he was entitled to vote?—A. That is what I suppose.

Mr. METCALFE. The ticket speaks for itself. Do you know what ~~is~~, Mr. Allen?—A. I know that Mr. Gonter, who is recorder of voters, gave these tickets to persons when they registered, in some if not in ~~all~~ instances.

Q. You don't know anything more about it?—A. Nothing more.
"George R. McIlvaine, 2105 North Eighteenth street;" for ~~Se~~
34 singhaus. "Sam. Kleinschmidt, 1723 North Market;" Sessing~~g~~ haus.

Q. Now, take up 164 and give us first the name of the supervisor, then the number of ballots returned by him to the chief supervisor, the parties names and addresses, and for whom they voted for Congress?—A. No. 164, William L. Stewart, supervisor five (5) ballots. "Newton Rogers, southwest corner Tenth and Salisbury," voted for Frost; no remarks on the back of this ticket. "Martin Dippold," 1206 Desterhan, voted for Sessinghaus. "F. G. Link, 3319 North Thirteenth," voted for Sessinghaus. "C. H. Koester, northeast corner of Thirteenth and Desterhan;" voted for Sessinghaus. "C. H. Broder, 3420 Klein street," voted for Sessinghaus.

35 Q. Please look at the next precinct, No. 165, and tell us who the supervisor was at that precinct on that day, how many ballots he received, for whom those parties voted; and, also give their names and addresses?—A. Precinct 165; Charles Bodenstadt, supervisor; he returned one ticket. "Bernard Kramer, residence 1612 Davis street, removed from 2507 North Fifteenth street," voted for Frost.

Q. Next, I believe, Mr. Allen, comes precinct 167; will you please see who the supervisor was at that precinct, how many ballots he returned to your office, who the voters were, their names and addresses, and for whom they voted as for Congress?—A. Precinct 167, Albert Diesin, supervisor; two ballots; J. N. Stueterman, 911, "it reads"

36 "Bensen street;" voted for Sessinghaus. "Karl Keise, Harper street, east of Grand avenue;" voted for Sessinghaus.

Q. Will you now take the next in order, No. 168, and pursue the same course as with previous ones, that is, give the name of the supervisor, how many men voted through him, their names and addresses, and for whom they voted?—A. Precinct 168; Charles F. Stoelting, supervisor; twenty-two ballots. "Samuel Aerchbach, 1125 Salisburg street."

Q. State whether the name is not written in German text.—A. That is written by a German in German text; voted for Sessinghaus. "Martin Boessler, 14 Farrar street;" voted for Sessinghaus.

37 Q. Fourteen, what; is it Fourteenth and Farrar?—A. If you call that little crook an "and" it may be so. It looks as if the crook were an n or h, as if it were "14 nh." "Chris. Niemeyer, 1117 Salisbury; it looks like it is Salisbury 1117;" Sessinghaus; "Caspar H. Kramer, Angelica street, south side;" Sessinghaus. "Henry B. Wiscameyer, 1425 Salisbury;" Sessinghaus. "Henry Hagensicker, 1117 Farrar street"; Sessinghaus. "John G. Redemeyer, Newhouse avenue, between Tenth and Twelfth;" Sessinghaus. "August W. Koehler, 3917 North Fourteenth;" Sessinghaus. "Henry W. Meyer, 1425 Salisbury street;" Sessinghaus. "Gustavus A. Gruner, 1105 Farrar street," Sessinghaus. "Charles A. Price, 3719 North Fifteenth street;" Sessinghaus. "William Powell, 3806 Sixteenth street;" Sessinghaus. "W. H. Tuderman, 1509 Salisbury;" Sessinghaus.

By Mr. METCALFE:

38 Q. Isn't that Indermark?—A. It is T here.

Q. State whether or not the notary who speaks German determines whether that initial be T or I.—A. He states it to be an I; in that case it makes it Indermark. "Shibuck Rich, 1117 North Park Place;" Sessinghaus. "L. M. Howell, 1145 Bremen avenue;" voted for Sessinghaus. "Henry Sibetto, 3932 Thirteenth street;" Sessinghaus. "August Uthe, 3734 North Fifteenth street;" voted for Frost. "Henry Henry Campeter, 3711 North Eleventh;" Frost. "Henry I. Reberberger, 1410 Angelica;" Frost. "Samuel T. Halley, Fourteenth and Bremen avenue;" Frost. "Morris Doran, corner Thirteenth and Newhouse avenue;" Frost. "Henry Gibbons, Fourteenth between Bremen avenue and Farrar street;" Frost.

39 Q. Please look at precinct 169 and tell us who was the supervisor; how many ballots were received by him and returned to the chief supervisor; who were those parties so voting those ballots, their names and addresses, and for whom they voted as for Congress.—A. Precinct No. 169; G. A. Shuttle, supervisor; one vote returned; Phil. E. Green, 4423 North Twelfth; voted for Sessinghaus.

Q. Next precinct is 209, I believe?—A. Yes, sir; L. S. Metcalfe, jr., supervisor; one ballot. Benjamin Brown, 1131 North Compton avenue, presented ticket of registration for 200 district, eighteenth ward, but claims to live in this precinct; voted for Sessinghaus.

Q. Precinct 213?—A. Christ Van der Ahe, supervisor; twenty 40 ballots returned. Dennis O'Leary, 3608 Lindell avenue; voted for Frost.

Q. Will you state what is the head of that ticket?—A. "Greenback Labor Ticket."

Q. And state whether or not on that ticket the names of some Democrats and some Republicans appear.—A. I see Republicans here, but I don't know the other men.

Q. William H. Horner, do you know whether he is—

(Mr. Donovan, counsel for contestee, objects to the question, on the ground that it is leading.)

A. I don't know the politics of the other men on here.

By Mr. METCALFE:

Q. It is headed Greenback-Labor Ticket, and Frost for Congress!—

A. Yes, sir.

John Masherson, between Elby and Jefferson avenue, on Sul-
41 livan; voted for Frost. Eli Slay, 2807 Jefferson avenue; voted
for Frost. Fenton Goss, jr., 2809 St. Louis avenue; voted for
Frost. Here is a memorandum comes in with it that reads, "St. Louis,
Mo., Nov. 2, 1880. Mr. Trenton Goss, jr., has been marked moved
on our book." This is signed here, but the name has been written over
once or twice, so that it cannot be read. "Precinct 151, Fourteenth
ward." David Goss, address 2809 St. avenue; voted for Frost. Beverly
Strodder, 2942 Grand avenue; Sessinghaus. Emil H. Heithecker 2805
Saint Louis avenue; Frost. Here is a memorandum that goes with
Beverly Strodder: "Beverly Strodder is registered here, 125 precinct,
Twelfth ward. Daniel O'Connell, special registrar." William

42 Eckert, between Jefferson and Elliott avenues, Magnolia street;
voted for Frost. Augustus Solari, Spring avenue, between St.
Louis and Sullivan avenues; Sessinghaus. Adolph Pfeiffer, 2509 Mag-
nolia street, between Jefferson and Elliott avenues; voted for Sessing-
haus. Theodore Bellessam, 2807 (is there any such avenue as Selvan?)
Sullivan and Jefferson avenues; voted for Sessinghaus. Henry Kroe-
ger, second house north of St. Louis and Lindell; never was registered;
voted for Sessinghaus. D. D. Dickey, 2853 Grand avenue; voted for
Sessinghaus. F. Luedecker, 3603 Lin. ave.—Lindell avenue I suppose
it is meant for. Is there a Leon avenue up there? It looks like an
abbreviation of Lindell avenue; voted for Sessinghaus. Willie Dodd,
2925 Lindell avenue; voted for Sessinghaus. George H. Griger,

43 Sullivan avenue, between Glasgow and Elliott; challenged; Sess-
inghaus. Caspar H. Dietering, 2805 Grand avenue; voted for
Sessinghaus. Isaac Miller (it is spelled Issaaa), 2928 North Lindell ave-
nue; Sessinghaus. Edw'd T. Goodfellow, east side of Grand avenue,
second house north of St. Louis avenue; voted for Sessinghaus. John

Burlin, 2913 Lindell avenue; Sessinghaus.

Q. Now, please take up precinct 219, and follow the same method.—

A. 219—Louis Huber, supervisor; fourteen ballots. Hermann Lam-
mers, Fifth street and Harrison avenue; voted for Sessinghaus. H. Bul-
tehorn, Hawthorn avenue, between Fourth and Fifth; voted for Sess-
inghaus. Here is a man's name of which only the last name is
44 given, as I read it: Dinkey; Howard, between Third and Fourth.

I don't know but what that may be Dinkey Howard, Third and
Fourth, Harrison and O'Fallon avenue. After looking it over I should
judge that it is Dinkey Howard; yes, it is written below; voted for
Sessinghaus. In this next name there seems to be a last letter missing;
there was not room enough on the ballot to put it on; it looks as if it
were Louis Bathen. Is there any avenue called Carrie avenue?

Q. Yes; there is such an avenue.—A. Carrie avenue, between Third
and Fourth; voted for Sessinghaus. John Mertsel, Third and Talcott
avenue, voted for Sessinghaus. Henry Hahne, between Pope—this

45 reads Clean; that may be Cline, only spelled wrong—Bellefontaine
road. It reads, between Pope and Clean avenues, on Bellefon-
taine road; voted for Sessinghaus. Dabney Murray, Water street

and Withers avenue; voted for Sessinghaus. Sebastian Hatz, O'Fallon avenue and Third street; voted for Sessinghaus. Joseph Franz, Bellefontaine and Pope; voted for Frost. William Williams, Sycamore street, between Hall and Talcott; for Frost. John Meyer, Carrie avenue and Hall's Ferry road; Frost. O. M. Hays, Second Winter's avenue; Frost. There is no "and" to connect the streets. Caspar Brinkman, O'Fallon avenue and river front; challenged by L. Nolte; Frost. Edmund Schott, East Bellefontaine road, between Bryan and Hall avenue; Frost.

Q. Next in order comes precinct 222. Who was the supervisor; 46 how many votes did he return to you; by whom were such ballots cast, and for whom?—A. Joseph W. Palmer, supervisor; two ballots. Henry Berry; "voted last from 3244 Olive street; 23 years a resident of the city, now west of White avenue, four blocks north of Natural Bridge plank-road, at the coal place, since the 18th of May, 1880;" voted for Frost. Barney Heiger, Bircher avenue, White avenue; registered five years past at Lowell; voted for Frost.

Q. Please give us the name of the supervisor for precinct 223; then the names and addresses of the people who voted on that day, and whose 47 ballots were returned by him to the chief supervisor.—A. Henry Beine, supervisor. P. B. McLaren, McLaren avenue; "registered in old ward, Seventeenth and Lucas place"; voted for Frost.

Q. Take up precinct 241 now; who was the supervisor?—A. Henry F. Harrington and Louis Schaefer, supervisors; there was brought in by both six ballots; Nick Geoffrey; voted for Frost; no residence given. Peter Hawkins, St. Charles Rock road, between Baltimore and Prairie avenues, voted for Sessinghaus. Jacob Volk, north side of Cass avenue, east of Prairie avenue; voted for Sessinghaus. A. B. Hammeme, St. Charles Rock road and Glencoe avenue; voted for Sessinghaus. Charles Williams, Boston street, between St. Louis and Baltimore; voted for Sessinghaus. F. Scheller, St. Charles Rock 48 road, between Baltimore and Prairie avenues; voted for Sessinghaus.

Q. Give us now the name of the supervisor for precinct 243, and also the number and names of persons who voted there, and whose votes were received by the supervisor and by him returned to your office?—A. Louis E. Snow, supervisor; sixteen ballots; Michael Mangum, Caroline avenue, near St. Charles Rock road, with Mr. Cupples, states that he registered; voted for Frost "James Eagan St. Charles Rock road, between Taylor and Newstead, registered St. Charles Rock road, between Papin and Taylor; name not stricken off but rejected by judge of election"—

Q. You are reading what appears on the back of the ballot?—
49 A. Yes, sir; nothing else. (Continuing.) "Because his statement of the location of his residence differed from the location given on the poll book; voted for Frost. Wenzel Meyer, Belgrave avenue, between Cottage and Canally; registered but stricken off; voted for Frost. Nathan Shelton, corner of Belgrave and St. Ferdinand; registered and stricken off; voted for Rosenblatt. Henry Buddenberg, Caroline south of Kennedy, "says he was registered and did not transfer;" voted for Sessinghaus. Joseph Minor, Boston street, near Goode avenue; "states that he was registered, name not on list; examined carefully before accepting vote"; voted for Sessinghaus. John Edwards, Goode avenue, about three blocks north of St. Charles Rock road; "registered 50 and stricken off; registered Goode avenue near St. Charles Rock road; voted for Sessinghaus. With this appears a certificate from

Charles G. Gonter, recorder of voters, certifying that John Edwards is properly registered in his office. J. M. Thomson, Belgrave avenue, north of Victoria; was registered at No. 5, Elliott row, and failed to transfer; voted for Sessinghaus. Charley Jenkins, Caroline avenue, north side of St. Charles Rock road; has resided with Samuel Cupples more than one year: was registered; name stricken off; voted for Sessinghaus. Cato Green, southeast corner Taylor avenue and Cottage; registered and stricken off; voted for Sessinghaus. Philip Smith; name not on register; says he was registered in town on Carr street, one year ago; lives on Boston street, between Goode and Wash avenues, at the present time; voted for Sessinghaus. Mathias Startz, St. Charles Rock road, near Four-Mile House; registered three years ago at city hall; then living on Jefferson near Ninth; not transferred; voted for Sessinghaus. Alex. Terry, Parsons street, west of Taylor avenue; registered and stricken off; voted for Sessinghaus. Abner Shelton, not stricken off; Belgrave avenue near Parsons street; registered. Witness, S. C. Lawrence. "The above voter appeared under age. (Signed) Eli Foster, Louis E. Snow"; voted for Sessinghaus. Merritt Johnson, Race, east of Taylor avenue; registered in person; name stricken off; voted for Sessinghaus. Antoine Crawford; residence, southeast corner of Belgrave avenue, and Parsons street; states that he has resided in that locality continuously in the same house for three years; that he registered and was stricken off the list by the supervisor of registration; voted for Sessinghaus. Newton V. Fields is supervisor of precinct 244. He returned the vote of Simeon Johnson; west side of Clackett, between Taylor and Papin; stricken off by board of registration; voted for Sessinghaus.

At this point a recess was taken until two o'clock this afternoon; at which hour, all parties in interest being duly assembled, and announcing themselves ready to proceed, the examination of Mr. W. L. B. G. Allen was resumed:

53 By Mr. POLLARD:

Q. The books which are returned by the supervisors to the chief supervisor's office show, in some instances, do they or do they not, that ballots were received by the judges of election which were not counted by them?—A. Well, I am sure I don't know about that. You mean to show that ballots were received by them and rejected, and put away?

COUNSEL. Yes, sir.

(Mr. Donovan, counsel for the contestee, objects to the question, on the ground that the books themselves are here and are the best evidence of the fact.)

A. I only know what has been told me by the supervisors, 54 as my record has not been made up from this set of books.

Cross-examination, by F. J. DONOVAN, Esq., counsel for contestee:

Q. Your record has not been made up from the official report of the deputy supervisors?—A. It is not, exactly. They have been left and not touched at all for fear they might be called while the record was being made up. This is a complete record of everything as it will be transferred to the chief supervisor's record.

Q. Then this memorandum is in no way official?—A. Which memorandum?

Q. The memorandum that you have been reading from this morning? 55 —A. That is simply a memorandum as to the facts; but the complete record is contained in here (indicating). That was simply a memorandum as to the number of votes returned by

the supervisors, and the number of rejected votes returned by them, not as to the matter contained in these books.

Q. At whose request did you make up that memorandum?—A. The chief supervisor.

Q. Do you know how these supervisors were appointed?—A. I do.

Q. How?—A. In the first place the Democratic central committee were requested to hand in names of Democrats in each of the precincts to the chief supervisor. The Republican central committee were also requested to hand in the name of a Republican to act as supervisor 56 in each ward, or rather in each precinct.

Q. I desire now, particularly, to ask you from whom they received their appointment, and by whom were they qualified; what sort of a paper did they receive to show that they were duly appointed supervisors?—A. As you might say, the chief supervisor nominated them to Judge Treat, and Judge Treat commissioned them; being sworn in they received a commission.

Q. Signed by whom?—A. Signed by Judge Treat and the clerk of the court.

Q. Were you appointed a supervisor, and did you receive a commission signed by Judge Treat as required by law?—A. I did not.

Q. You, then, were not a supervisor?—A. I presume what 57 might be called—no, I was a clerk simply—the chief supervisor's clerk.

Q. You yourself were not a supervisor?—A. No, sir.

Q. So, then, you are not an officer known to the law as a supervisor?—A. No, sir.

Q. You have, then, been acting simply as a clerk, and not in any official capacity known to the law?—A. No, sir.

Q. You have been handling these ballots concerning which you have testified this morning?—A. I received them, sealed them up, and put them in the safe, from which they have not been taken until I took them out this morning.

Q. You have been opening the envelopes in which those ballots were contained?—A. I opened them here; yes, sir.

58 Q. And have been handling them?—A. Yes, sir.

Q. And yet you were in no respect an officer of the election?—A. Not at all; no, sir.

Q. Nor acting in any official capacity whatever as an election officer?—A. Except under instructions of the chief supervisor.

Q. You define your relations, then, simply as a clerk of the chief supervisor?—A. I presume that would be what it is considered.

Q. Do you know whether or not there is any provision in the law that permits ballots to be taken by the supervisors at the various polls and returned to the chief supervisor?—A. I do not. I haven't examined.

Q. You do not know whether or not the election tickets that 59 you have been reading are under the law considered ballots or not?—A. No; I do not.

Q. Do you know what the duties of a supervisor are?—A. If the notary would allow, I could send over to my office and get the duties, as specified by the chief supervisor; I mean the printed instructions.

Q. Do you know whether or not the chief supervisor did not send out special instructions in regard to the casting of ballots that were not contemplated by the law under which he was appointed by Judge Treat?—A. I don't know whether it was contemplated under the law,

but I know the instructions as to receiving ballots were additional instructions, which he published in the different papers, and instructed verbally in the office every one who came in.

Q. But you cannot say now whether or not these special instructions were justified by the law under which he was appointed?

(Counsel for contestant objects to the question, because the witness did not claim to be a lawyer, in the first place; and in the second place, the law speaks for itself.)

A. I can't tell, sir.

By Mr. DONOVAN:

Q. You have not now got a copy of these special instructions of which you speak?—A. No; I have not, here; no, sir.

Q. And do not bear in mind the special instructions given verbally in the office of the chief supervisor?—A. I think there was nothing else in those special instructions, except that when a party attempted 61 to vote and the vote was not received by the judges that the supervisors were instructed to receive that vote, on the party's writing his name and residence on the back of the ticket, such ticket to be strung on a string and brought into the office of the chief supervisor. Those may not be the exact words, but that was the meaning of those instructions.

Q. If these papers that you were reading, these memoranda, if they are to be considered as a legal ballot, do you think it proper that they should be opened and read by yourself when you were not in any respect an officer?

(Counsel for contestant objects to the inquiry, because the obvious object of the question being simply the consumption of time.)

A. Well, I can't tell as to that.

62 By Mr. DONOVAN:

Q. That is simply a matter of opinion?—A. My opinion about that would be that it would be impossible for one man to attend to all the ballots. He would have to have clerks to attend to them.

Q. But do you think that one who is a stranger to any official duties concerning the election should be permitted to handle ballots, or papers that may be considered ballots, opening them and reading them to ascertain and testifying by whom they were voted and who they voted for?—A. When done under the instructions of the chief supervisor, I don't see why it shouldn't be altogether proper.

Q. Now, Mr. Allen, a great deal has been said here about the 63 manner in which the election was conducted at poll 39, and much has been said in regard to intimidation at that poll. I presume that it was the duty of the supervisor to report all facts happening at that poll. I wish, now, you would turn to the official report of both supervisors at that particular poll, number 39, and inform the notary what appears upon the official report?

(Mr. Pollard, counsel for contestant, objects to the question, first, because a subject is entered into concerning which we did not examine the witness. Second, because we didn't examine the witness as to that book, or any other book; and third, because the tendency of the question is simply to consume time, and not to allude to any evidence 64 which will render any assistance in the determination of this case.)

Mr. DONOVAN. I desire to object to Mr. Pollard's objection for the reason that I have waited here persistently for him to appear; but he has been absent at the time that we were called upon to appear, and

has adjourned frequently hours before the proper time for adjournment had arrived ; and Mr. Pollard knows perfectly well that this is not my object—the one he ascribes to me—but that it is to get at the truth of the facts regarding that poll.

Mr. POLLARD. I object to that going into the record.

A. Report of Michael Callahan, supervisor at that precinct
63 states under "Names of persons challenged, Stewart Mack; vote received; number on poll-book, 200; time, 8 a. m.; challenged by Frank Dugdale and Pat Carroll; and four other citizens." "John Smith; rejected; number 310; 8.15 a. m." Joseph Bell; rejected; number 12; 4 p. m." "Wiley Dovan; rejected; number 152; 9 a. m. Afterward received vote. Time, 1 p. m."

By Mr. DONOVAN:

Q. If it was attempted by the counsel of the contestant to prove that it was not received, would it not appear from that report that the same was received and cast ?—A. From my reading of it, I should judge that it was received at 1 p. m.

Q. And put into the ballot-box ?—A. I couldn't tell anything
66 about its being put into the ballot-box. "Received by the judges" would be my reading of it. What was done with it I couldn't tell. Then, under "Violation of the law," it reads, "Samuel Windom; illegal voter; 1600 North Main; arrested 3 p. m.; witness, Frank Dugdale, 1438 North 7th." That, with the report as to the number of votes cast, completes the report (and the name "Michael Callahan") in this book.

Q. What is the number reported as voted ?—A. Reported voted for R. Graham Frost, 165; Daniel O'Connell, 2; Gustavus Sessinghaus, 77.

Q. Does the report of Mr. Schellhammer, the Republican supervisor at that poll, differ in any respect from that of the Democratic supervisor ?—A. As far as I can see the report is exactly similar.

67 Q. Is there anything in that report mentioned in regard to any misconduct or intimidation, or threats, or unfairness of any kind, in conducting the election at that poll ?—A. There is simply a memorandum here, made by the chief supervisor, which I know to be in his handwriting, signed by his initials, which states, "Dugdale in jug for illegal voting; said by supervisor to have bulldozed. E. T. A."

Q. That is not a report of the supervisor himself; that is a memorandum made on the book in pencil, on the back, by another party ?—A. made by the chief supervisor.

Q. "E. T. A." is the chief supervisor ?—A. Yes, sir.
68 Q. Meaning Edmund T. Allen ?—A. Yes, sir.

Q. And after the vote was received he made a memorandum that some gentleman stated that fact to him in the way in which you have read it off ?—A. It does not say that some one said it to him; it is just simply there.

Q. One man is said by the supervisor to have bulldozed ?—A. Yes; "Dugdale in jug for illegal voting; said by supervisor to have bulldozed. E. T. A."

Q. But the supervisor has made no report other than this memorandum in pencil made by E. T. A. of any misconduct at that poll ?—A. I don't know what he may have made to E. T. A. personally which led him to put this down.

69 Q. Does not the report that you have read, irrespective of that pencil memorandum, constitute the official report of the supervisors at that poll ?—A. Well, it would not constitute it, if he made a verbal report to the chief supervisor, which he took down.

Q. Do you know whether or not it is not his duty to state in his official report all facts of any moment concerning the conduct of the election at that poll?—A. We so considered it.

Q. And he hasn't done it?—A. I don't know whether he has or not. I don't know what happened at the polls.

Q. But the supervisor hasn't done it?—A. Has not stated anything else.

Q. And, officially, reports no misconduct?—A. There is no 70 report of any misconduct other than what I have read.

Q. I presume it is his duty to report on the book whether there was any misconduct or not in making an official report of how the election was conducted at his poll?

(Counsel for contestant objects.)

By Mr. DONOVAN:

Q. If there was any misconduct it was the duty of the supervisor himself to report the fact, and in a proper manner?—A. It was the duty of the supervisor to report everything, but yet there were supervisors—one I remember in particular—who had no vote on his book, and had no record whereby he could tell how many votes were cast for Congress; he brought in his book as blank as he had got it.

71 Q. He was then remiss in his duty—the gentleman who did not report what the vote cast was?—A. Yes, sir.

Q. The vote cast at this poll is reported, and reported with particularity?—A. Yes, sir.

Q. It is signed by both of these gentlemen, who were supervisors at that poll, and they have not officially, and in writing, under their signatures, nor over their signatures, reported any misconduct at that poll?—A. No, sir; none other than I have stated.

Q. Now, turn to precinct 37, and inform us who was the supervisor at that poll, and give to the officer their reports.

72 (Counsel for contestant objects to this inquiry, on the same ground as above stated in objection to question referring to precinct 39.)

A. Charles Moss, supervisor, reports from precinct No. 37: "No challenges made; no one offered to vote illegally except in two cases, where the parties offered to register under a mistaken idea of their right to vote. The election was, on the whole, conducted with fairness and determination to act honestly and fairly on the part of the judges and officers of election."

Q. Please give the number of votes cast, and for whom.—A. Votes for Gustavus Sessinghaus, 56; Richard Graham Frost, 151; Thomas Allen, 4, and Daniel O'Connell, 4. No difference in report from that of judges of election. "I received the votes of George W. Lumpkins, residence 1224 Broadway; N. J. McCarthy, residence 1222 Broadway, and R. H. Smith, residence Ashley building, room 59, fourth floor; each of whom were resident legal voters of this precinct, and have been stricken off the registration list and their votes refused on account thereof by the judges of election. The ballots are returned herewith."

Q. Does the other supervisor in the same precinct, who, I presume, is a Republican, report the vote as different from that reported by the Democratic supervisor?—A. In his report he makes the same numbers as the other supervisor.

74 Q. Now, turn to precinct 38, to the report of the supervisor, and read to the notary what officially there appears?—A. This

report is made together by Denis J. Slattery and Nicholas Crystal, all made in one book. He states in the first place: "No challenges." And afterwards reports the vote cast as follows: Gustavus Sessinghaus, 75; Graham Frost, 139, and Daniel O'Connell, 10.

Q. Now, turn to the report of the supervisor of precinct No. 40, and read to the officer the report of those supervisors!—A. Report of M. C. Irish, precinct 40: "William Anthony, rejected; not on poll book; 6.45 a. m.; name stricken off by board of revision; vote returned as rejected; colored. Simpson Johnson, rejected; not on poll book; 7 a. m.; name stricken off by board of revision; vote received and returned to 75 United States supervisor; colored. G. A. Matamoras, rejected; not on poll book; 7.45 a. m.; name stricken off by board of revision; white. John Davis, rejected; not on poll book; 9.10 a. m.; name stricken off by board of revision; vote returned as rejected; colored. Jesse Harris, rejected; not on poll book; 9.10 a. m.; name stricken off by board of revision; vote rejected and returned; colored. Robert N. Corran, rejected; not on poll book; 10 a. m.; vote rejected and returned to United States supervisor; residence, 604 Carr street. Silas Green, rejected; not on poll book; 2 p. m.; name stricken off by board of revision; vote received as rejected; colored. William Thomas, rejected; 5.30 p. m.; name was stricken off by board of revision; vote received and returned as rejected." The votes are: R. G. Frost, 88; Gus. Sessinghaus, 65; Daniel O'Connell, 5. No difference from returns of judges of election.

Q. Please now turn to book numbered 42, and read the return of votes as made by the supervisor at that poll.—A. Reported by W. S. Cowdy, supervisor: Gustavus Sessinghaus, 38; Richard Graham Frost, 104; Daniel O'Connell, 1. This count corresponds with the judges of this precinct, except the four rejected ballots.

Q. I will ask you whether or not the report of the other supervisor does not agree with that.—A. The same number given by Michal Gallagher; vote corresponds with that of the judges.

77 Q. Turn, now, to precinct 43, and read to the officer what the report of the supervisors in that district is.—A. Report of Pat. Walsh: Thomas H. Courtland, precinct 43; R. Graham Frost, 174; Gustavus Sessinghaus, 46; Daniel O'Connell, 5. This report agrees with the judges' book. Under the heading "Violations of law" they state "there was no offense in any particular."

Q. Turn to book of precinct No. 44, to the report of the supervisors, and read what therein appears.—A. The whole!

Q. Yes, sir.—A. Precinct 44; supervisor, John Hynes. There were no challenges made; everything passed off quietly; Richard 78 Graham Frost received 60 votes; Gustavus Sessinghaus received 40; Daniel O'Connell, 8. There is no difference in this report and that made by the judges of election.

Q. What is the report of the other supervisor!—A. The report of the other supervisor, George Muller, agrees with Mr. Hynes's report.

Q. What is the report in precinct No. 45!—A. Report of John Hynes in precinct No. 45. He simply gives the number of votes received by each party for Congress: Richard Graham Frost, 60; Gustavus Sessinghaus, 47; Daniel O'Connell, 4.

Q. Is there any violation of the election law reported!—A. Nothing else stated in there at all.

Q. Please turn to the report from precinct 46.—A. Precinct 79 No. 46: J. E. Thompson, supervisor; nothing except the number of votes received by the parties for Congress: Gustavus Sessing-

haus, 85 ; Richard Graham Frost, 52 ; Daniel O'Connell, 3. Louis Primall, the other supervisor, makes the same report.

Q. Now please go to precinct No. 48, and read what that report states.

—A. Leopold Wiese, supervisor; precinct No. 48; he gives simply the number of votes received for Congress: Richard Graham Frost, 20; Gustavus Sessinghaus, 58 ; Daniel O'Connell, 1.

Q. Is there any report there from the other supervisor to the same effect ?—A. The other supervisor is the same.

Q. Take the report from precinct 49 and the reports of the
80 supervisors.—A. T. J. Ward, supervisor, under challenges; Mr.

Thomas Williman, rejected; time, 11 o'clock and 2 o'clock; he was a negro and wanted to vote anyhow ; and he was away for some time, and the man who brought him there said he was living there all the time. His name was Max Gradaing. M. P. O'Leary, when we opened his ballot we found he had two instead of one, and we threw the two out. M. F. Petticker had two ballots instead of one, and we threw them out, and he heard from some one that his ballot was thrown out ; he came back and wanted to vote again, but was not allowed.

81 John Cahill was rejected at our precinct and was not allowed to vote, because he was not long enough living in the precinct ; he was only 30 days living in the precinct. Matthew Borm had a Chronicle ticket thrown out ; he claimed it was not legal, and we decided to take them off. Votes cast for R. Graham Frost, 119 ; W. Sess., 27 ; M. D. O'Connell, 6.

Q. I will ask you to read the return of votes at the close.—A. This is the return of M. C. Bricky, the other supervisor of the 49th precinct : "R. Graham Frost, 119 ; Gustavus Sessinghaus, 25 ; O'Connell, 6. This return tallied with the judges when the returns were compared."

By Mr. POLLARD :

82 Q. Have you read that whole book ? If not, I will ask you to do it.

(Mr. Donovan, counsel for contestee, objects to the witness reading anything other than what is called for by said counsel for the contestant.)

Q. Please turn to return of the supervisors from precinct 50.—A. H. R. Hardon, supervisor precinct 50; John McKenney, rejected 5½ p. m.; resides 1328 North 9th street; claims to have been transferred, but his name does not appear on the poll book, and is among those stricken from the registry. His vote is returned herewith. N. B.—Joseph Brown, colored, resides at 1414 North 8th street offered to vote before registrar was appointed. His vote is returned herewith. R. Graham Frost received 230 ; Gustavus Sessinghaus received 55 ; Daniel O'Connell, 9.

83 Q. What is the other man's report ?—A. Report of W. J. Templeman, same precinct ; John McKenney, not on poll book ; 5 o'clock : the gentleman claims to have been transferred, but his name is not on the books ; present residence, 1328 North 9th street. Joseph Brown, not on poll book ; 10 a. m. ; the gentleman also claims to have been transferred, but his name is not on the books ; present residence, 1414 North Eighth. Votes, R. G. Frost, 230 ; Gus. Sessinghaus, 55 ; D. O'Connell, 9. This return is two votes less than the total number polled ; agrees exactly with the judges of election for Representatives in Congress.

Q. Any violations of law reported ?—A. Nothing reported except what I have read.

84 Q. Well, in precinct 52, I will ask you if there is any difference between the report of the judges and the report of the supervisors?—A. They each state "no difference."

Q. See if there is any difference reported in precinct 53.—A. Both supervisors state "no difference."

Q. Are there any infractions of law?—A. No infractions of law reported; not one; not in either report.

Q. None whatsoever reported?—A. No infractions reported.

Q. Are there any violations of law reported in 54?—A. None in the report of Gus. Kurtzman.

Q. Please read the report of the supervisors in precinct 55.—A. Henry Tensone, supervisor precinct 55, reports the number of 85 votes cast as follows: Richard G. Frost, 146; Gustavus Sessinghaus, 75; Daniel O'Connell, 6. This account does not differ from the count of the judges, precinct 55, Fourth ward.

Q. See if the report of the other supervisor is to the same effect.—A. The report of the other supervisor is the same.

Q. Are there any violations of law reported?—A. None.

Q. What is the report in precinct 56?—A. The supervisor of that precinct reports votes cast, for "H. G. Frost, 20; Sessinghaus, 7." Nothing else in the book.

Q. Any violations of law reported?—A. No, sir.

86 Q. Just see if there are any violations of law reported in precinct 57.—A. W. B. Watson, supervisor.

Q. Just tell us if there are any violations of the law reported.—A. Nothing under the head of "Violations of law" in this book.

Q. Are there any violations of law reported in precinct 70?—A. Nothing under the head of "Violations of law," reported by William Milfield, in precinct 70.

Q. Turn to precinct 71, and read the report from the supervisors.—A. Report of George Buiman. This contains a few words, but I will have to ask the notary to read them; I can't read it.

Q. Well, you can give the vote there?—A. Vote for G. Sessinghaus, 48; Richard Graham Frost, 104.

Q. Are there any infractions of law reported?—A. None at all.

Q. Turn to precinct 72, and read the official report of the supervisor.—A. Julius E. Greffet, supervisor of precinct 72, reports votes cast, for Daniel O'Connell, 4; Richard Graham Frost, 113; Gustavus Sessinghaus, 159. Exclusive of the above I have delivered Supervisor Charles Beck, of this same precinct 72, in the Sixth ward, ballot of June Green, rejected at 12.30 noon, for having totally neglected to register, he being otherwise qualified to vote under the law. Witness, L. A. Labeaum, 1230 Monroe street; N. H. Partridge, the same number. Judges 88 of election all present except Judge D'Amour, who was at dinner. Also, ballot of Fred. Howarth, residing 2019 North Tenth; at 3 o'clock p. m.; rejected by the registrar, because his name was stricken off by the board of revision; otherwise he was qualified to vote under the law. Witness, judges of election: Alex. Gillespie, A. Gossner, A. Dietz, O. D'Amour, and E. H. Fulton, registrar.

Q. If the other one is the same, just simply state it without reading it.—A. It agrees with the previous report.

Q. Are there any infractions of law reported?—A. None in either book.

Q. Turn now to precinct 73, and read the report of the supervisors.—

A. Report of Adam Creamer, precinct 73, under head of "Violations of law," the name of David Roskelly appears; says he voted

four years ago, or at the last Presidential election, at southeast corner of Sixteenth and O'Fallon street, only to the confusion of the poll book—(I expect that ought to be "owing")—but should have voted on south side of O'Fallon, between Eleventh and Twelfth streets. Is not now on the book of 73 precinct, and the registrar refuses to register him. Lives at No. 2422 North Ninth street. John F. Bloss; lives 914 Montgomery street; states that he is a citizen of the United States; that he voted at the last Presidential election; his name appeared at that time on the poll book. John A. Myers; lives No 812 Benton 90 street; same as before (which I judge means the same as this man Bloss).

Q. Are there any violations of the law reported?—A. This is under the head of "Violations of law."

Q. Are there any violations of the law other than you have read?—A. None other than I have read.

Q. What is the vote?—A. Reports voted for R. Graham Frost, 112; Gustavus Sessinghaus, 143.

Q. Turn to precinct 74 and read the report of the supervisor.—A. H. S. Parker reports votes cast for Gustavus Sessinghaus, 225; Richard Graham Frost, 126; Daniel O'Connell, 2. C. B. Woodward, the other supervisor, makes the same report.

91 Q. Are there any violations of law reported?—A. None at all.

Q. Do they or do they not report that their count agrees with that of the judges?—A. They state that it does agree with the judges.

Q. Take book of precinct 75.—A. Henry W. Wray, supervisor; number of votes cast for Gustavus Sessinghaus, 165; R. Graham Frost, 139; Daniel O'Connell, 3. William H. Jackson, the other supervisor, makes the same report.

Q. Are there any violations of law reported?—A. None stated; no sir.

Q. Does the count agree with that of the judges?—A. It does not state.

Q. Take up book for precinct 83.—A. Bruno Schroeter, supervisor.

Q. What is the report in regard to violations of law?—A. He has no violations of law.

92 Q. And so reports?—A. Yes, sir.

Q. What other reports are made in that book?—A. Number of votes cast for Gustavus Sessinghaus 132; R. Graham Frost, 157; Daniel O'Connell, 5; "all votes polled in our precinct, and conform with the counts of the judges of election." John Fremme's, the other supervisor, report agrees as to the number of votes.

Q. With the judges of election?—A. It does not state anything about that.

Q. Take the report from precinct 84.—A. John Sadler, precinct 84, reports number of votes cast: Gustavus Sessinghaus, 124; Richard Graham Frost, 141; Daniel O'Connell, 4.

Q. Now, turn to the report of the supervisors from precinct 93 85; are there any violations of the law reported on that book?—

A. None at all. Report of Julius J. Schmidt, supervisor of precinct 85: "John H. Kobusch, rejected 11.30 a. m.; has been wrongfully stricken from the registration list; has been living at 3810 North Ninth street for fifteen years; was otherwise allowed to vote. Henry Indermark, rejected 5.30 p. m.; this name appeared in the registration list correct, but his ballot was refused on the ground that the number of his residence given did not correspond with the one given on the registration list; upon being refused to vote by the judges, I received his

94 ballot, which latter I herewith transmit." Reports number of
votes cast as follows: Sessenhaus, 1; Sessinghaus, 4; Gustavus
Sessinghaus, 128; R. Graham Frost, 107; Daniel O'Connell, 1.
"This report differs from that of the judges only in so far that the judges
counted the ballots cast for Sessenhaus, Sessinghaus, and Gustavus
Sessinghaus as for Gustavus Sessinghaus; that is, G. Sessinghaus, 133
votes; otherwise the report of the judges differs not from mine."

Q. Who is that signed by?—A. Schmidt.

Q. That corresponds exactly with Shepard Barclay, the other supervisor
for this precinct.—A. No; there is some other stuff in the front
part of this.

95 Q. Well, read the report of the other supervisor.—A. Shepard
Barclay reports that Henry Indermark was rejected; time, in the
afternoon, but does not state what time; then proceeds to state
that "this proposed voter stated he had resided, for a year at least,
at a different number and on a different street from the number and
street opposite his name on registry list, although this removal did not
carry him out of this precinct; I objected to his vote on that ground,
and the judges rejected his ballot, but the same was taken by my associate
supervisor to be returned to chief supervisor. There were a number
of instances of parties offering to vote, but on objections made and
statements of their facts withdrew such offers, and as their offers
96 appeared to be in good faith nothing was done in the matter."

He reports R. Graham Frost, 107; Gustavus Sessinghaus, 128;
Daniel O'Counell, 1; "Sessenhaus," 1; "Sessinghaus," 4; (no initial or
other designation but the name Sessinghaus.) The difference between
this return and that of the judges is that here the votes for Sessinghaus
concerning which any question might or could be raised are separately
indicated; whereas the election judges return for Gustavus Sessinghaus
133 votes; that is, counting the votes cast for Sessinghaus (4) and Sessenhaus (1). It is regular in all respects.

Q. Are there any infractions of the law recorded?—A. None stated.

Q. In the reports from precinct 87 is there any infraction of the law
reported?—A. No violation of the law reported.

97 Q. I will just simply ask you whether there are any infractions
of the law reported from precinct No. 117?—A. No violations of
the law reported.

Q. Any violations of the law reported from 118?—A. None at all.

Q. Are there any such reported from precinct 119?—A. None re-
ported.

Q. Please read the return from precinct 120.—A. Supervisor William
Priestmeyer, under the heading of "challenges." John Williams, No.
1212 North Fourteenth street, entered as already voted under his name
and residence on poll book; rejected at 10 o'clock. Votes cast for Gra-
ham Frost, 147; Gust. Sessinghaus, 96; Daniel O'Connell, 8.

98 Q. Read the report at the end of the supervisor's certificate.—

A. C. Zumbragen gives the same report of number of votes cast,
and under the head of whether returns differ from judges of elections
say, "I find all correct."

Q. Are there any violations of law reported?—A. No violations of
law.

Q. Read the report from precinct 124.—A. John J. O'Brien, under
the head of "challenges," states J. E. Byrne; received 11.40 a. m.;
number in poll book 335; doubts expressed as to his being a legal voter.
John Linden; received 2 p. m.; No. 240; Linden is challenged as not
not being a resident of the precinct.

Q. Mr. Allen, where the reports of both supervisors agree you
99 need not duplicate them; just state whether they agree or not.—

A. Number of votes cast: Daniel O'Connell, 5; Gust. Sessing-
haus, 55; R. G. Frost, 234. This report disagrees in no respect from the
judges' return.

Q. No violations of law reported?—A. No violations of law reported.

Q. Take the report from precinct 125.—A. Report of Ernst W. Moel-
ler, supervisor precinct 125: Under "challenges," Charles Jordan, re-
jected, No. 1, 11 o'clock; received under protest, not having registered.
Number of votes cast are as follows: R. G. Frost, 174; G. Sessinghaus,
49. "I hereby certify that there is no objection."

Q. No violations of law reported?—A. No, sir.

100 Q. Take the report of John Dummerkein, jr., precinct 126.—A.

Number of votes cast: "Gust. Sessinghaus, 126; Richard Gra-
ham Frost, 147; Daniel O'Connell, 8. No difference from the judges."

Q. Any violations of law reported?—A. None reported.

Q. Now, please take up 127.—A. Fred. Niedemeyer, supervisor:
"Votes cast for G. Frost, 120; Sessinghaus, 69."

Q. Any violations of law?—A. None reported.

Q. See if there are any violations of law reported in precinct 128.—
A. Here he runs his list of what he has put under "challenges" into
"violations of law." I find only one name. John Nolan (name of party);
offense, betting on election; names of witnesses, Michael Renick, 2031
Division street; Henry Kirksick, 1508 O'Fallon.

101 Q. Read the report of supervisors, or rather, first, do they
agree with that of the judges?—A. The judges and this super-
visor, Matthew Ford, agree in their report as to the number of votes cast
for the candidates: Richard Graham Frost, 90; Gustavus Sessinhgaus,
78; Daniel O'Connell, 15.

Q. Have you stated whether there are any violations of law reported?
—A. None other than that one. George Lake, the other supervisor,
agrees with Matthew Ford as to the number of votes cast.

Q. Take up No. 129 next.—A. J. K. Williams, supervisor precinct
129; votes cast: R. Graham Frost, 144; Gust. Sessinghaus, 34; O'Con-
nell, 3.

Q. Read the report from 129.

102 (Mr. Pollard, counsel for contestant, objects to it because it is
a useless consumption of time.)

A. Thomas S. Esty, precinct 129, under challenges; John Gossot, re-
ceived; number on poll book, 96; time, 11 a. m.; a German laborer at
Lafayette brewery, southeast corner Nineteenth street and Cass av-
enue. The judges decided he was entitled to vote on naturalization pa-
pers, and I cannot say the decision is wrong. There was one other
challenge made of another German from the brewery, but his name was
not found on the registration books the challenge was withdrawn and
vote received, under the head of violations of law. The election was
quiet. No outbreak or disturbance of the peace came under my obser-
vation during the day. While the count was being made, after

103 the close of the polls, a little loud talking was indulged in by par-
ties somewhat ardent as to results, but no breach of the peace oc-
curred. The officers, I believe, discharged their duties with fidelity.
the matter of special registration at the polls there may have occurred
technical irregularities in a few instances, such as the changing of re-
idence and failure to obtain transfer as prescribed by statute, but the
judges acted with deliberation, and their decisions usually unanimous.
The law itself scarcely reaches the standard of perfection. Number

votes cast for R. Graham Frost, 144; Gustavus Sessinghaus, 34; Daniel O'Connell, 3. The foregoing returns correspond with the results 104 of poll books, as footed up and certified by the judges and clerks of election of precinct 129, Twelfth ward, of the city of Saint Louis. Polls closed at 7 p. m.; counting was concluded, results certified, ballots disposed of, boxes sealed up at about fifteen minutes past 10 p. m.

Q. Any violations of law reported?—A. None reported.

Q. Any violations of law reported in precinct 130?—A. None reported in 130.

Q. What is the number of ballots cast there?—A. George Westenhoff, supervisor; number of votes cast for Gustavus Sessinghaus, 42; Richard Graham Frost, 134; Daniel O'Connell, 5.

Q. Is there a certificate as to whether or not it agrees with the judges of election and clerks of that poll?—A. No certificate as to that. 105 Q. See whether or not any infraction of the law is reported in the next book, No. 131.—A. William Noonan, supervisor. No violations of law stated.

Q. Does the count agree with the judges'?—A. So stated.

Q. What is the number of votes cast at that poll?—A. Richard Graham Frost, 201; Gustavus Sessinghaus, 45; Daniel O'Connell, 9.

Q. Read the report of the supervisors from precinct 133.—A. "Andrew Knaebel, supervisor of 133." He states, first, "Challenges was not necessary." "Report of Andrew Knaebel, deputy supervisor at the precinct No. 133 on election day, November 2, 1880; there was cast for Representative in Congress 194 votes; of which the judges have counted and accepted 190 votes. Four tickets of those 194 are 106 not counted; they are rejected because there was two votes of the same sort folded together with one number on it. I believe the four voters did not, as their ticket is double. Their names and residences and votes was as follows: A. Stanton; residence from 1429 Cass avenue; voted for Richard Graham Frost. Jacob Buchler, from 1421 Cass avenue; voted for Gustavus Sessinghaus. Herman Gaez; residence 1605 Cass avenue; voted for Gustavus Sessinghaus. William Nord-sick; residence No. 1314 North Sixteenth street; voted for Gustavus Sessinghaus. On the precinct No. 133 was no vote challenged, and was no offenses seen by me. By my best knowledge I think as all 107 was done right and lawful at the poll place, precinct No. 133, on the second day of November, 1880."

Q. Any violations of law reported?—A. "None seen by me on the second day of November, 1880."

Q. Is that the report of the supervisor?—A. That is the report of the supervisor.

Q. Please read the report from precinct 149.—A. "Albert Born-
nueller, supervisor; under challenges; Ira Storsberg, sr.; received
and counted; 273, number on poll book; time, 9.15; removed from 1616
Warren street to 1607 Monroe street, October 29, 1880; voted on old
registration, removal having taken place after close of registration.
Ira Storsberg, jr.; received and counted; number on poll book, 274;
time, 9.15; same as before. Charles M. Wilson; taken under
108 protest; not counted; time, 5.05 minutes; 1942 O'Fallon; re-
moved to 1637 Benton street; lives there since April, 1880; not
transferred. William Baker; taken under protest; not counted; time,
5.30; registered, 1352 North Eleventh street; removal to 1609 Warren
street; not transferred. Ballots of Wilson and Baker attached to re-
port on last page. Number of votes cast: R. Graham Frost, 72;
Gustavus Sessinghaus, 193; Daniel O'Connell, 1."

"To the chief supervisor of the United States :

"SIR : I hereby report to you account of votes cast for Congress in district 149," saying that "This report corresponds with the return of judges of election. Number of ballots cast in this district was 269.
109 Two were rejected, one being a fraudulent ballot and the other a duplicate ballot, leaving total of ballots counted, 267; one ballot for Congress was stricken off, leaving amount of votes cast for Congress 266. In regard to violations of law and offenses, I have no report to make, as everything went on very quiet ; no disturbance at the polls whatsoever."

Q. Do you find any violations of law reported in book 150 ?—A. No violations reported in either of the supervisors' books for precinct 150.

Q. What is the report from precinct 151 ?—A. Precinct No. 151, John Niehaus, supervisor. Votes cast for R. Graham Frost, 106 ; Gust. Sessinghaus, 195 ; Daniel O'Connell, 4. No difference between 110 the judges' returns. There was no rejected votes; no disturbances occurred at this precinct.

Q. Read, now, the report from precinct 152.—A. Henry McCabe, supervisor for precinct 152, reports number of votes cast for R. Graham Frost, 177 ; Gustavus Sessinghaus, 101 ; O'Connell, 2. This footing agrees with that of the judges and clerks. Henry W. Wiggins, the other supervisor, agrees with Mr. McCabe.

Q. Are there any violations of law reported ?—A. None whatever; no, sir.

Q. Any violations of law in precinct 153 ?—A. No violations of law reported by either supervisor in 153.

Q. Does the report of the count agree with that of the judges ?—A. So stated by James Duross, supervisor, that it agrees with the judges.

111 Q. The report from 163 being there you may read it.—A. Peyton C. Jones, precinct 163, reports number of votes cast for R. Graham Frost, 59 ; Gustavus Sessinghaus, 47. Joseph Hollinger, the other supervisor, makes the same report, and they both state no difference from the judges.

Q. Any violations of law reported in 164 ?—A. No violations of law reported. Samuel M. Stewart reports that the following votes were cast for R. G. Frost, 187 ; G. Sessinghaus, 173 ; D. O'Connell, 7. Also reports votes received under additional instructions published November 1, for G. Sessinghaus, 4 ; R. G. Frost, 1.

Q. Any violations of law reported ?—A. None reported.
112 Q. Any violations reported from precinct 165 ?—A. No violations of law reported by Charles Badenstedt, supervisor for 165.

Q. Now, turn to the next book, and see if there are any violations of law reported.—A. None reported by Julius Thamer.

Q. Any such reported from 167 ?—A. No reported violations by Albert Duran, precinct 167.

Q. Is there any reported—any violations of the law—from precinct 168 ?—A. No violations reported by either supervisor in 168.

Q. Read the report from 169.—A. George A. Schutte, supervisor, reports no challenges and no violations of law. Number of votes cast for Richard Graham Frost, 40 ; Gustavus Sessinghaus, 75. Report differs in this respect from that of the judges; but one ballot for Gustavus Sessinghaus was offered by P. Green, under instructions received verbally from the chief supervisor on November 1, 1880, and in the manner set forth on a succeeding page. The judges certify to 40 votes for Frost, 74 votes for Sessinghaus, no votes for O'Connell. My report accord-

ingly gives Sessinghaus one more vote than is cast up for him by the judges. Phil. E. Green, living at No. 4423 North Twelfth, stated to the undersigned that he had removed from the Eighth ward to precinct No. 169, in the Sixteenth ward, and that he had neglected to transfer his name; did not remember the number of precinct in the Eighth ward in 114 which he had previously voted, he insisted, notwithstanding, in voting for a Representative in Congress for the third Congressional district, and handed the supervisor his ballot for this candidate with his name written by himself on the back of the same. This ballot is herewith returned marked as described with the address, or house number of said P. E. Green written upon the same, and the number of the polls, and the order in which it was offered.

Q. What is the report from precinct 170?—A. No violations of law or challenges reported in the report of E. D. Preston, precinct 170; 115 states the vote for Gustavus Sessinghaus, 60; R. G. Frost, 49; Daniel O'Connell, 2; which agrees with the returns of the judges of election.

Q. Now it appears that the number of the next precinct jumps to 207; give the report from that precinct.—A. No challenges or violations of the law reported by Charles F. Pohlman, supervisor, precinct 207. Number of votes cast for R. G. Frost, 139; G. Sessinghaus, 99.

Q. Any violations of law reported?—A. No, sir.

Q. Any infractions of the law in 208?—A. No infraction of law reported by either supervisor in precinct 208.

Q. Any in 209?—A. No infraction of law reported by either supervisor in precinct 209.

116 Q. Did you give the name of the supervisors in that district?—A. L. S. Metcalfe, jr., and Wallace Delafield.

Q. Well, give us the report from precinct 210?—A. William B. Thompson, supervisor, and R. Mollincot, supervisor, for precinct 210; under the head of challenges, Robert B. Grant, rejected; number on poll-book, 61; time, 9 o'clock and 5 minutes a. m.; rejected because he had voted at the primary election in the eighteenth ward, October, 1880, and that his name didn't appear on the poll-book of this precinct. This vote on consideration of the sworn testimony of the voter was accepted by the judges of election, and counted and returned. Number of votes cast for Richard Graham Frost, 75; Gustavus Sessinghaus, 50. The 117 return is the same as the returns made by the judges of the election.

Q. Take report from precinct 211, and read the report of the supervisors on the third page therein under the head of challenges.—A. Supervisor John Moran, precinct 211, and agrees with the other supervisor Ryan Howard.

Q. What is the report?—A. London Never, rejected; number on poll-book, 246; time, 4 p. m. This man's vote was taken but afterwards thrown out, as he was then not living in the ward; he lives in the Fourteenth; he lives on the southeast corner of Jefferson avenue and Warren street. Benjamin Crockett, No. 5; two ballots were folded together. He lives on Jefferson, between Warren and Montgomery streets. Jacob Hyde, Nat. Wilson, Stephen Jones, Henry Howard, all rejected, and living at 2817 Vineyard street; they were on the list of voters stricken from the list, and through mistake were received and afterwards thrown out.

Q. What violations of law do you find in the report from precinct No. 211?—A. Under the head of violations of law, name of party, J. C. Lowver (the other supervisor has it given as Lawver) brought

scratched tickets to the polls. He was arrested by Officer Cummings of the fourth district. Place of business, 210 North Third street, room No. —, second floor.

Q. Is that the only violation of law that you find reported in that book?—A. No other reported violations of the law.

119 Q. Read the report from precinct 212.—A. Precinct 212, David P. Hull, jr., supervisor. Under the head of challenges: Patrick Clerk; vote received; number on poll-book, 284; time, 9.30 a. m.; claims to have been registered and voted in same ward before; registered at 212 precinct, Twentieth ward, this day. Thomas McJonas, received; No. 291; 1.45 p. m.; neglect of duty in regard to registering; claimed to have been living in Saint Louis twenty-two years; age, about 25 to 28; registered at 212 precinct, Twentieth ward, this day. William Henry, received under protest; 293; 4.45 p. m.; afterwards proved satisfactory. Andy Hogan, received; 298; 6.15 p. m.; vouched for by

Thomas Kesson and Daniel Cavanaugh, United States marshal of 212 precinct, Twentieth ward, this day; no violations of the law stated. Votes cast for R. G. Frost, 160; Gustavus Sessinghaus, 69; D. O'Connell, 5; no difference from the judges' report.

Q. Are there any violations of law reported in 213?—A. No violations of law reported by either supervisor in precinct 213.

Q. On the sixteenth page of the report from precinct 209, please read what there appears?—A. This is the report of William Buechner; protested votes, Edmund E. S. Schott; lived on Bellefontaine Road, between Bryan and Hall avenues.

Q. Is he marked "voted"?—A. "No. 1, voted." Sebastian Hartz, Third and O'Fallon avenue.

Q. Is he marked "voted"?—A. Marked "voted, No. 2." Dabney Murray, No. 3, voted; between Waters street and Whittier's avenue; voted No. 5, Second and Whittier's avenue. Henry Halne, voted No. 6, between Pope and Clarence avenue, east side of Bellefontaine road. John Mirkill, No. 7, voted; Third and Talcott avenue. John Meyer, No. 8, voted; Carrie and Hall's Ferry Road. John Butram, No. 9, voted; Carrie avenue, between Third and Fourth street. William Williams, No. 10, voted; Sycamore street, between Hall and Talcott avenue. Hermann Lammert, No. 11, voted; Fifth and Harrison street. H. Buelchow, No. 12, voted; Hawthorne avenue, between Fourth and Fifth. Dickey Howard, No. 13, voted; between Third and Fourth and Harrison and O'Fallon avenues. Joseph Franz No. 14, voted; Bellefontaine Road and Pope avenue.

122 Q. Is there any infraction of the law reported on that book?—A. No infractions of the law reported.

Q. What is the report from 220?—A. Charles P. Wiedemeyer, supervisor of 220, reports, under challenges, Meyer Howard, 2 o'clock, received; 158; didn't reside there the legal time. Number of votes cast for Gustavus Sessinghaus, 52; Richard Graham Frost, 65. Frank Plumpy, the other supervisor, makes the same report.

Q. Give us the report from 221.—A. Edward A. Mathews, supervisor 221, reports under challenges, C. Bohens received; No. 11 9.20; resides in precinct No. 219. Number of votes cast for R. Graham Frost, 115; Gustavus Sessinghaus, 72. Jacob Howarth, the 123 other supervisor, makes the same report.

Q. I believe you stated there was no violation of the law?—A. No violations of law.

Q. Precinct 222.—A. Joseph W. Pommer, supervisor 222, under head of challenges, "Henry Berry, rejected; No. 114; at 4 o'clock. Henry

Berry applied to me for registration, but as he would not swear that he was not registered in any other district, I refused to register him. Henry Berry voted last from No. 3234 Olive street; twenty-three years a resident of Saint Louis; moved six months to White avenue and Kossuth avenue." This is signed "E. L. Bushman." Who E. L. Bushman is I don't know. Presumably the registrar, as he says he applied 124 to him. Number of votes cast for Gustavus Sessinghaus, 83; R. Graham Frost, 53. "Barney Hegar, rejected; No. 136. This party refused registration on account of his not being willing to swear that he was not registered in another district. At present, residence, Bircher avenue and White avenue."

Q. Is that to the same effect (handing book to the witness)?—A. "Registered five (5) years ago in Lowell." Report of Herman Tebby, the other supervisor, agrees.

Q. Any violations of the law?—A. No violations of law reported.

Q. The next report is from 223.—A. Henry Piney, under challenge, "P. B. McLaren, rejected 11 p. m. Rejected on account of not being registered on poll-book of precinct No. 323, ward 23. McLaren 125 claims that he is registered in the old Tenth ward; his residence then being on Seventeenth street and Lucas Place. Made application at the registering office, and transferred more than ten days before election day. Number of votes cast, R. Graham Frost, 53; Gustavus Sessinghaus, 27. No difference from the return of judge of election."

Q. And you have stated no violations of law?—A. No violation of law.

Q. Well, is there any violation of law reported from 241?—A. No violations in 241 reported by Samuel F. Harrington.

Q. Or from the other supervisor?—A. Louis Schaeffer; no, sir.

Q. Take the report from 242, and see if there are any violations 126 of the law reported in that precinct?—A. Christ. Dahm, supervisor, no violations reported.

Q. What is the report of the supervisor from precinct 243?—A. Eli Foster, supervisor. Registration number, 38; ballot number, 37; two (2) votes folded together; not counted. Registration number, 156; ballot number, 151; the same not counted. Registration number, 104; ballot number, 276; three (3) tickets folded together; not counted. Number of votes cast for Gustavus Sessinghaus, 148; Richard Graham Frost, 129; Daniel O'Connell, 7; Thomas Allen, 2; R. H. Cole, 1. No difference from report of judges of election. Then "Gustavus Sessinghaus, 13; Richard Graham Frost, 3; these ballots were rejected by the judges of election, but received by United States supervisor under circumstances detailed on each ballot." Lewis E. Snow, the other supervisor, makes the same report with the exception of the statement of "registration No. 104; ballot No. 276; three folded together; not counted." The other supervisor makes the number 267.

Q. Have you any violations of law reported?—A. No violations of law reported.

Q. Now, take the last of these reports from that district, No. 244.—A. Report of Newton V. Fields, supervisor, 244; under the head of challenges: "Simon Johnson, rejected; no number on poll book; time, 7.30; re-registered; stricken off by board of registration." Number of votes cast for Richard Graham Frost, 47; Gustavus Sessinghaus, 108; Daniel O'Connell, 6.

Q. Any infractions of the law reported from that precinct?—A. None at all.

Q. I believe we have gone through all the reports of all the supervisors in that district, have we not?—A. I don't know whether I have looked through the whole of them.

Q. You haven't found any infractions of law reported from any precinct?—A. There were a few mentioned in there.

Q. Are these books as to form, all similar?—A. All made up the same.

Q. Will you please give us a description of this book?—A. There is an instruction on the front as to bringing it in.

Q. And what appears on it is blank?—A. The number of the 129 precinct; the number of the ward; blank line for the supervisor to sign; with the printed instructions "to be returned to Edmund T. Allen, chief supervisor, 421 Olive street, as soon as practicable after the election. N. B. The first ten pages of this book are for report of charges (challenges); the next six pages for views, inferences, &c., and the last page for the return of the votes cast for members of Congress." All this appears on the outside of the cover.

Q. Now, turn to the inside and state how those pages are headed.—A. Under the head of challenges, as stated on the cover, we have a column for name of person challenged; another column, received or rejected; another column, No. on poll book; another column, time; another, description and remarks. Under head of violations of law, we have a column for the name of party; another for offense; another for names of witnesses and residence, if known. On the page for return of votes we have a column for names of members of Congress voted for; number of votes cast for each, and another for, in what respect this return differs, if at all, from that of judges of election.

Q. The supervisors appointed for this election were equally divided between the parties, were they not?—A. Yes, sir.

Q. It was the attempt of the chief supervisor to name as supervisors at each poll, one Democrat and one Republican?—A. Yes, sir.

131 Q. And he did so to the best of his knowledge?—A. There was no inquiry made of them as they received their instructions whether they were Democrats or Republicans; but in one or two instances where he had been imposed upon and found that he had two of one party, their commissions were taken away from them, and another one appointed.

Q. And he pretty generally succeeded in having at each poll a Democrat and a Republican in order that he could insure a fair report of the conduct of how the election was conducted at that poll?—A. Yes, sir.

Q. Now, notwithstanding the fact that there was a Republican and Democratic supervisor at poll 39, concerning which poll so much 132 has been said about voters being intimidated, do either the Republican or Democratic supervisor make any reports whatsoever in their official report of any trouble at that poll? I wish you would turn to the book and see. Under the head of violations of law, is there any report made of any intimidation at that poll?—A. None under the head of violations of law.

Q. You yourself are a Republican in politics, Mr. Allen?—A. Yes, sir.

By Mr. METCALFE:

Q. Mr. Allen, will you read the report of the supervisor from precinct 49?—A. "Thomas J. Ward, Mr. Thomas Williman, rejected; 11 o'clock and 2 o'clock; he was a negro and wanted to vote anyhow; he said 133 he was away for some time, and the man who brought him there

said he was living there all the time; his name was Max Grading. M. P. O'Leary; when we opened his ballot we found he had two instead of one, and we threw the two out. M. F. Petticker had two ballots instead of one, and we threw them out, and he heard from some one that his ballot was thrown out; he came back and wanted to vote again and was not allowed. John Cahill was rejected at our precinct and was not allowed to vote because he was not long enough living in the precinct; he was only 30 days living in the precinct. Matthew Borm had a Chronicle ticket thrown out; he claimed it was not legal, and we 134 decided to take them off."

Q. Read that one (handing book to witness).—A. M. C. Bricky, the other supervisor. Person challenged: Thomas Williams, received; number on poll book 1; near 4 o'clock p. m. Mr. Williams is a colored man; has resided at 1217 North Eighth street, rear, for the past two (2) years; was registered at polls. Mr. Grabinsky, grocer, 1017 North Seventh; identified him under oath; the Democratic judges, supervisor, and United States deputy marshal refused to let him vote because the Democratic deputy marshal challenged his vote, and they did not allow his name to be placed on the poll books. He appeared a second time 135 with R. T. Brophy and was still refused a vote; he handed me his vote, herewith presented. Witness: Rosa Stanton, landlady, 1217 North Eighth street; M. Grabinsky, 1017 North Seventh street; R. T. Brophy, 1011 North Seventh street. N. B. The Democratic clerk admitted to me that he knew Mr. Williams and had seen his family at their residence.

Q. Read this report from the supervisor of precinct 119.—A. "Precinct 119; F. J. Cornelius." Do you want this report right here, what is on this report?

Q. Yes.—A. "Number of votes cast for Richard Graham Frost, 81; Gustavus Sessinghaus, 112; Daniel O'Connell, 5. This return corresponds with that made by the judges of election, except, and we 136 further state that three (3) votes were placed in the envelope for rejected votes which were cast for Gustavus Sessinghaus; the parties casting such rejected votes were known to the judges to be qualified voters, but under the ordinance such votes could not be counted; said votes were three: August Bethge, 1527 Carr street; H. A. Hemmert, 1118 North Sixteenth street; George Lang, two (2) doors south of Carr on Sixteenth."

Q. Please read from book 148 the names of the challenged and rejected votes.—A. "Jas. P. Simmons, supervisor for 148." Under the head of challenges, Mr. Simmons has "M. A. Landon, rejected, 9 a. m.; William Springer, rejected, 9; H. Johannigmeyer, rejected, 9.30 a. m.; R. E. Nagel, rejected, 1 o'clock; Henry Meyer, rejected, 1 o'clock; 137 Henry Bosse, rejected; E. M. Bounds, rejected, 1.30; Andrew J. Wiede, rejected, 2 o'clock; Andrew Fischer, rejected; James Doyle, rejected, 3 o'clock; Charles F. Winther, 3.30, rejected; Henry Kobaldt, rejected; A. G. Palyer, rejected; Chr. Tubins, Henry Twelmann, rejected; August Warmhoff, rejected, 6 p. m.; T. W. Geortyshausen, rejected, 6 p. m."

Q. Will you please read the returns on this book, precinct 143?—A. C. F. Anderson, supervisor, precinct 143; number of votes cast for Gust. Seissinghaus, 219; R. Graham Frost, 58; Daniel O'Connell, 6. Mr. Seissinghans has ten (10) more votes than the tally-sheets call for, caused by the refusal to allow said ten (10) voters to register. Mr. Frost has one more vote than the tally-sheets call for, 138 H. MIN. 27—23

caused by same as Mr. Sessinghaus. The name of said voters, place of residence, and time a day said votes were tendered will be on back of tickets.—C. F. ANDERSON.

Tally-sheet of Sessinghaus's vote 209.

Tally-sheet of Frost's vote, 58.

Tally-sheet of O'Connell's vote, 6.

Q. Will you now please read the return from precinct 165 Charles Bodenstedt, supervisor; number of votes cast for Gust Sessinghaus 171; Richard Graham Frost 108; Daniel O'Connell 139 This return differs from the returns of the election judges in that the judges' returns has the vote for Gustavus Sessing the number of 170 votes, while that I am not sure of that ballots for Gustavus Sessinghaus, and 108 for Richard Gr Frost, and one vote for Daniel O'Connell.

Q. Now, read the return from precinct 166.—A. "Julius Thame pervisor of 166; number of votes cast for Gustavus Sessinghaus, in return of judges it is 214. R. Graham Frost, 95; in return of jt it is 94. Daniel O'Connell, 3. On a second count, taken by one of judges and one of the clerks, the same resulted: Gustavus Sessing 218; O'Connell 3; R. Graham Frost, 93. But this being deemed accurate than the first count, the latter was accepted as the co one."

140 Q. Here, Mr. Allen, is the supervisor for precinct 208; under head of "Challenges," on the first page, read what appears Supervisor, J. F. Merimeyer, precinct 208. Under the head of Tenges, "J. M. Neil, received; No. 237; said party does not live at Glasgow avenue. C. N. Wilson, received vote; 220; said party not live at 1410 Glasgow avenue."

Q. Will you read the returns from precinct 209?—A. L. S. Met jr., supervisor. For Representative in Congress, third Congress district: Gustavus Sessinghaus, 161; Richard Graham Frost, 193;

141 inghaus, 4; Frost 1; Daniel O'Connell, 4. For Represent in Congress, second Congressional district: R. Graham Fro second Congressional district, M. A. Rosenblatt, 2; Thomas A 1. The votes of the following parties were offered and registered b judges for the reason that their names were not to be found on the books; the said votes being returned in a sealed envelope and ma rejected: William Pauly, 3140 Vineyard; voted for Gust. Sessing Charles Tegtmeier, 3321 Easton avenue; voted for R. G. Frost. Wells, 3131 Vineyard street; voted for Gust. Sessinghaus. Dav Marks, 3231 Sheridan avenue; voted for Gust. Sessinghaus. Sa

Ellis, 1414 Francis street; voted for R. G. Frost. Willia 142 Alvord, 1353 Garrison avenue; voted for Gust. Sessinghaus F. Foster, 3163 Brantner place; voted for Gust. Sessing The following vote was taken by the supervisors (see vote on the side), Ben. Brown, 1131 North Compton avenue; voted for Gust. Sessinghaus.

By Mr. POLLARD:

Q. Were those ballots returned by the supervisor to the chief supervisor? Speak from the report. Does the report say that they were? A. Well, it says, "said votes were returned in a sealed envelope marked rejected," but doesn't state to whom. Then, afterwards one vote was taken by the supervisors. There was but one vot turned by the supervisors.

By Mr. DONOVAN:

143 Q. For whom did you make that report that you hold in your hand?—A. For the chief supervisor.

Q. When did you make it?—A. As soon as all the books were in. In looking through this morning it tallied exactly with the votes as I took them out.

Q. You then handled the ballots that you have been testifying to here this morning?—A. They were handed to me as they came in.

Q. And you examined them?—A. And I examined them and put them in envelopes.

Q. Is there anybody else in your office that handled those ballots?—
A. I think not. I think they were all returned to me. The chief supervisor might have received a few of them; they all went right on
144 my desk; I was there all the time. There may have been two or three come in at a time and handed him the books.

Q. Did you open them?—A. I opened them all myself, no one else opened them.

Q. The supervisor of 209 is L. S. Metcalfe, jr.?—A. L. S. Metcalfe, jr.

Q. Counsel in this case?—A. I presume he is by his appearance in

the case.

Q. He only returned one ballot from that precinct?—A. One ballot;
Yes, sir.

Q. Do you know why he did not return the others, concerning which he reported?—A. He has made no statement of that, either in writing or verbally, I think, to the chief supervisor, or to the office.

Q. If he considered them proper ballots to be cast, do you know
145 why he didn't return them to the supervisor's office?—A. I do not.

Q. The instructions of the supervisor were to have such ballots returned, if the parties would allow, or would put their names on the ballots to be so returned?—A. Yes, sir.

Q. You do not know but that the others went into the boxes at the poll, and were counted by the judges?—A. Except this statement in which he says they were rejected.

Q. So there is nothing to show that the other ballots that Mr. Metcalfe reports at that poll as cast for Mr. Sessinghaus, and not returned to you, were not placed in the ballot-box and counted by the judges?—
A. He states they were rejected.

Signature waived.

146 Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Tuesday, February 8th, 1881, then to be continued at the same place at the hour of half past nine o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 9.

1 Pursuant to adjournment as above stated, on the eighth day of February, 1881, at the hour of half past nine in the forenoon, I continued the taking of these depositions as follows:

CHARLES FOSTER, of lawful age, being then produced by the attorneys for the contestant, sworn by the notary, and examined on his oath, deposeth and saith as follows, to wit:

By Mr. POLLARD:

Question. What is your full name, Mr. Foster?—Answer. Charles Foster.

Q. Where do you live?—A. North Main, 1600.

Q. Where did you live on election day—last election day?—A. I lived at that same house there.

Q. How long have you lived there?—A. I have lived there since last April.

Q. From last April, 1880?—A. Yes, sir.

2 Q. At what time in April did you go there?—A. About the fifteenth or thereabouts.

Q. How old are you?—A. I propose to be about forty.

Q. You are a colored man?—A. Yes, sir.

(Mr. Donovan, counsel for the contestee, desires to enter an objection here, not only to the testimony of this witness, but to the testimony of all previous witnesses, and all subsequent witnesses, whose names he has received, for the reason that their residence has not been given in the notice.)

By Mr. POLLARD:

Q. Where was you born?—A. I was born in Kentucky.

Q. Have you lived in any other States than Kentucky and Missouri?—A. Yes, sir; I lived in Mississippi since the war, and before the war in Louisiana.

Q. Have you ever lived out of the United States?—A. No, sir.

3 Q. When did you come to this State?—A. I came to this State this last gone October, a year ago.

Q. Where from?—A. From Mississippi.

Q. Did you register last fall?—A. Yes, sir.

Q. Where at?—A. Here at the city hall.

Q. How long before the election?—A. Well, I suppose between two and three weeks.

(Mr. Donovan, counsel for the contestee, objects to this testimony because the record of registration is the best evidence.)

By Mr. POLLARD:

Q. Did you vote last election day?—A. No, sir; I did not.

Q. Did you go to precinct thirty-nine for the purpose of voting?—A. No, sir; I did not.

Q. Why didn't you go there?—A. For the reason that—

4 (Mr. Donovan, counsel for the contestee, objects to this question, for the reason that it is entirely immaterial and irrelevant.)

WITNESS (continuing). For the reason that Mr. Brown, that I lived with, Mr. Sam. Windom, and Walter Harris, they had went up there early in the morning, near five o'clock, and come back to the house; and

when I started, they said that they wouldn't allow them to vote there; that they was a bulldozing there, and I says, if you go up there and you can't cast your vote, I won't go down there at all.

Q. What are your politics, Republican or Democrat?—A. Republican, full out.

Q. Who did you intend to vote for for Congress that day?—A. Sessinghaus was the man that I intended to vote for. I intended to vote a straight Republican ticket, and let it go for what it was worth.

5 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You did not go to the poll at all?—A. No, sir; I didn't go there at all.

Q. And you did not go because somebody told you something?—A. No, sir; I says I didn't go.

Q. Well, now, you did not go because you met somebody on the street, and he told you something regarding that poll?—A. Well, he was a man that had a Republican ticket; the same that I wanted to vote.

Q. He told you that people living in that particular house would not be permitted to vote at that poll?—A. No, sir; there was nothing said about that.

6 Q. Will you please give me the full conversation that passed between you and the man with whom you had the conversation which prevented your visiting the poll?—A. It was James Brown, as I says before, that I had the conversation with; I says, well, if they don't allow you to vote, and Walter Harris to vote, and Sam. Windom to vote, there is no use at all for me to go up there.

Q. Is that all the conversation that passed?—A. Yes, sir.

Q. Nothing else was said?—A. No, sir.

Q. These three men you were informed were not permitted to vote?—A. Yes, sir.

Q. And for that reason you thought it was not worth your while to visit the polls?—A. Yes, sir; that is just it.

7 Q. Now, you have detailed all the full conversation that passed between you and Mr. Brown on that occasion?—A. Yes, sir.

Q. Can you give it more particularly?—A. Nothing more than I have spoken, there was not anything else passed.

Q. Then, as I understand it, it was simply that Mr. Brown informed you that Sam. Windom and Walter Harris, and another party—

WITNESS. Them three.

COUNSEL. When presenting their ballots were told that they were not qualified voters.

A. Yes, sir.

Q. You are sure no more passed?—A. No more.

Q. Positively sure that that is the full conversation that passed between you and Mr. Brown?—A. Yes, sir; that is the full conversation, I give you my word for it.

Q. There is no question about it?—A. No, sir.

Q. Now, I would like to understand why you introduced the word "bulldozing" here?

8 WITNESS. I didn't say "bulldozed," did I?

COUNSEL. My impression is that you did.

WITNESS. "Bulldozed"?

Q. Were you instructed to say that you were bulldozed?—A. No, I didn't go to that polls—

(The notary reads the question to the witness.)

A. Oh, no, sir; I was not.

Q. Why did you do it then?—A. I didn't go, because I didn't believe it was worth my while.

Q. But why did you use the word "bulldozed"?—A. If I did I misunderstood myself; if I said "bulldoze"; I know that is the common word used, if a man can't cast his vote at a place and there are others there that don't want him to vote; that is what I undertake to say is the meaning of the word "bulldozing."

Q. Do you understand the meaning of the word "bulldoze"?—
9 A. Yes, sir.

Q. What do you understand by it?—A. Well, what we called "bulldoze" when I was in the South, when we went to the polls there and there was men at the polls with arms, and they would object to letting us vote, and that was "bulldozing."

Q. Was there anybody at this poll with arms?—A. No, sir; I don't know; I saw none.

Q. Were you so informed?—A. No, sir.

Q. Mr. Foster—A. Sir to you.

Q. Were you what is known as a refugee?—A. No, sir; I was not a refugee.

Q. When did you leave the South?—A. I left the South this last October was a year gone.

Q. And you arrived here when?—A. I don't know the exact time, but five days after I left Natchez, Mississippi.

Q. Where did you live when you first came here?—A. I lived by Captain Elliott's place, one mile above Natchez—

(The notary reads the question to the witness.)

A. Oh, I staid on the levee down here, with this James Brown that I am telling you about, and then I staid in a house on the corner of Twelfth and Morgan, in the rear.

Q. How far from 1600 North Main is that?—A. Well, I guess it is two miles; aint it? That is about it.

Q. That is around in this election precinct thirty-nine?—A. Well, I don't know how the precincts run here.

Q. How long did you remain with James Brown, in the rear of some house on Morgan?—A. I staid with him from October about until this last gone April.

Q. How many people moved into this house 1600 North Main street, in April?—A. Well, 'deed, sir, I do not know how many families; I know there was a good many families.

Q. Did they all move in together in the month of April?—A. Of course there was some there when I got there; there was one family that I do not know that has come there since.

Q. Well, the uniform answer given by the people from that house is that they moved there in April. I would like to understand how many did move there in April.—A. No, sir; I don't know how many moved there; I know I went there in April.

Q. Well, was there two?—A. Me and my family is all I know; 12 I was a stranger when I come there.

Q. Were you the only man that moved there in April?—A. Yes, sir; to my knowing.

Q. You knew all the people in the house?—A. No, sir; only James Brown; that was the only man I was acquainted with. Since then, I got acquainted with Walter Harris and the others, but at the same time, the time that they moved there, I couldn't tell you, sir.

Q. Can you read?—A. No, sir.

Q. Did you take up a ticket on that day?—A. No, sir; I was going to get me a ticket when I got up to the polls; my registration ticket was all I had.

Q. Do you know Elder Knapper?—A. Yes, sir; I am acquainted with him.

13 Q. Did you see him before you went to the polls?—A. No, sir; I don't believe I seed Knapper that day. If he was on the street, I didn't see him.

Q. What was your business on that day?—A. I was digging potatoes on that day over in Illinois for Mr. Dave Schauber, and I left that evening and went back there.

Q. You went to digging potatoes?—A. I was digging long before the election.

Q. What was you doing on election day, was my question.—A. I was trying to vote; when I found I couldn't vote, well then, I went back again that evening.

Q. What time in the evening?—A. Well, 'deed I do not know the hour; but I know it was after dinner when I left there, after twelve o'clock.

14 Q. How long after twelve?—A. I couldn't tell what time after twelve o'clock.

Q. Do you know whether it was one, two, three, four, or five o'clock?—A. No, sir; I couldn't. I know it was before five, because five was very late in the afternoon; I know it wasn't very late when I got there.

Q. Now, did you dig any potatoes that day?—A. Yes, sir; that evening I helped to haul a load in that evening.

Q. Can you tell me whether the month of November is a proper time to dig potatoes?—A. Why, yes, sir; they dig potatoes in November.

Q. Did you live over in Illinois any time?—A. No, sir; I worked over there.

15 Q. Did you stay over there at night?—A. Yes, sir; some nights I staid over there; many nights I staid over there. I lived here, for I was working on the levee some time.

Q. How many nights did you stay over in Illinois?—A. I can't say.

Q. Did anybody come over to Illinois, or go over to Illinois rather, to induce you come here to vote?—A. No, sir; no, sir; of course not. I was backwards and forwards here to meetings—club meetings—and I had an understanding from them what time election was to come off; any man having any knowledge would know that.

Q. What club was this?—A. Republican club; that is all I can tell you.

Q. A colored Republican club?—A. Yes, sir.

16 Q. Who run it?—A. Well, I believe Elder Knapper was interested in it. I couldn't say who run it now.

Q. Was there any white men come to that club?—A. Yes, sir; I believe one night there was speaking, and there was one white man come there and spoke.

Q. What was his name?—A. I heard them call him Mr. Sessinghaus.

Q. Was there any money distributed among the members of that club?—A. Not as I know.

Q. Did any member of the club receive any money to your knowledge?—A. No, sir.

Q. You are a poor man?—A. Yes, sir.

Q. Can't afford to lose a day's work?—A. No, sir; I had to go back as soon as I got home.

Q. You never knew Mr. Sessinghaus?—A. No, sir; never knew him.

Q. Never saw him?—A. I did desire to know him, but I don't
17 know him. No, sir; never saw him; not as I knows of.

Q. How far toward the poll did you walk that day?—A. I don't think I walked thirty yards.

Q. And how far was the poll away; how many blocks?—A. I don't know. I don't know no more where the voting district is than that spittoon there. I didn't go for to find out.

Q. And you didn't know whether your voting precinct was in the same district as that of James Brown?—A. Well, of course he lived up there in my precinct, and my precinct was liable to be where his was; we both wanted to vote the same ticket.

Q. But you don't know whether it was or not in the same precinct?
—A. No, sir.

18 Q. And never took the trouble to find out?—A. No, sir.

Q. Have you spoken to anybody about the testimony that you are now giving on that stand?—A. No, sir.

Q. Not to anybody?—A. No, sir.

Q. Nor to the attorneys, Mr. Metcalfe or Mr. Pollard?—A. No, sir.

Q. Nor to Mr. Sessinghaus?—A. No, sir.

Q. Nor to anybody speaking for him or representing him?—A. No, sir, I think not.

Q. To nobody whatsoever?—A. To nobody whatsoever.

Q. Before you sat in that chair?—A. Before I sat in that chair.

Signature waived.

19 BENJAMIN THOMAS, of lawful age, being then produced by the attorneys for the contestant, sworn by the notary, and examined on his oath, deposeth, and saith as follows, to wit:

By Mr. POLLARD:

Question. What is your name?—Answer. Benjamin Thomas.
Q. Where do you live?—A. I live down at the house 1600 North Main.

Q. How long have you lived there, Mr. Thomas?—A. I have been there, as near as I can describe it, in that house about ten months or more.

20 Q. What month did you go there?—A. About ten anyway—
(The notary reads the question to the witness.)

I left there where I was living at, as near as I can come at it, about the seventeenth or eighteenth of April sick.

Q. Last?—A. Last April.

Q. And went to this house, 1600 North Main?—A. Yes, sir.

Q. How long have you been living in Saint Louis?—A. I have been living in Saint Louis, right in this town; I have been living in this town ever since the eleventh or tenth, in this town. I have been living in this town ever since the eleventh of this month one year ago, eleventh of this month.

Q. You have not been here quite a year now?—A. I am speaking of this town.

21 Q. You haven't been here quite a year in this town?—A. No, sir.

Q. Where did you live in this State?—A. In Kansas City.

Q. In the State of Missouri, how long?—A. Ever since, as near as I can come at it, September one year ago, but I couldn't recollect the date.

Q. Where did you live before that?—A. Before that I lived in Louisiana.

Q. You came to the State of Missouri a year ago last September, from Louisiana?—A. Yes, sir.

Q. Where were you born?—A. I was born in Louisiana.

Q. Have you ever lived in any other State, except the States of Louisiana and Missouri?—A. Yes, sir, I lived in Mississippi a little while.

22 Q. Have you ever lived out of the United States?—A. No, sir.

Q. How old are you?—A. I don't really know how old I am. I think my age is about twenty-seven or twenty-eight.

Q. Twenty-seven or twenty-eight?—A. Yes, sir.

Q. You are a colored man?—A. Yes, sir.

Q. Were you registered here last voting day?—A. Yes, sir.

Q. Where did you register?—A. At the city hall.

Q. How long before the election?—A. I don't recollect exactly.

(Mr. Donovan, counsel for the contestee, objects to the question on the ground that the record of the registration is the best evidence.)

By Mr. POLLARD:

Q. Did you vote at the election?—A. I did not.

Q. Did you go to the polling precinct thirty-nine, last election, to vote?—A. I did.

Q. Did you go to the polls?—A. I did.

Q. Why didn't you vote?—A. Well, they said, the people said, the people there in that house hadn't been there long enough.

Q. Who said that?—A. The gentlemen that was there; I don't know, there was so many of them.

Q. Did you offer your vote at the window?—A. Yes, sir.

Q. Was it received?—A. No, sir.

Q. What are your politics; Republican or Democrat?—A. Republican.

Q. Who did you offer to vote for Congress on that day?—A. I offered to vote the Republican ticket. I didn't know who was on it. If he was a Democrat it was all right. If the Republicans put a Democrat on the ticket I thought they knew what they were doing.

Q. And your vote was not received?—A. It was not received.

Q. What was said there to you when you offered to vote?—A. The gentleman that rejected it—he said that the people hadn't been in that house long enough.

Q. That is all that was said, was it? What else was said, if you remember?—A. He said they couldn't vote there.

Q. Was that person who said that in the house or outside?—A. Standing out at the door.

Q. State whether or not you offered a second time to vote.—A. I did not any more.

Q. State whether or not anything was said to you by anybody about what would be done to you provided you would vote?—A. I heard him speak to other men, and I quit. I heard him talk—

(Mr. Donovan, the counsel for the contestee, objects to the witness answering as to what was said to other men.)

WITNESS. I said that they told this to other men—that none of them shouldn't vote there—shouldn't vote there—shouldn't vote there.

By Mr. POLLARD:

Q. Was there anything said about what would be done if they did

vote or offered to vote?—A. They said if any one voted there that they positively should be arrested.

Q. What time of day was that?—A. I can't recollect exactly what time of day it was. I went there about 5 o'clock in the morning, and I staid there until the polls opened, and then I offered my vote; and I thought by the way they were speaking so rapid there that there would be a fuss, and just went on.

26 Q. And you staid there a little while after the poll opened?—

A. But a very little while.

Q. State whether or not, if you know, your name was on the poll book inside.

(Mr. Donovan, counsel for the contestee, objects to the question, for the reason that the poll books speak for themselves.)

A. I don't know if it was on the poll book or not.

By Mr. POLLARD:

Q. Do you know whether or not anybody inside objected, saying that your name was not on the poll books?—A. I haven't heard any one say that it was not there, at all.

27 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You came here from Louisiana?—A. No, sir; not right into this town from Louisiana.

Q. Did you come to this city by rail or river?—A. I came to this city by river.

Q. Where did you land at?—A. I landed down here at this wharf—here at the elevator wharf.

Q. Then you did come to the city of Saint Louis?—A. Yes, sir; but not right now. I have been in this city from September last up to a year ago. I came into this city.

Q. How many negroes came up on the boat with you?—A. I don't know the real number; I don't know nothing about it.

28 Q. Was there any?—A. I guess there was some colored folks there. I don't know what you mean by negroes.

Q. Well, then, colored men. How many colored men were on the boat?—A. I don't know, sir. I never tried to know.

Q. Why didn't you try to know?—A. Because I didn't think it was my business.

Q. Can't you, as a matter of recollection now?—

WITNESS. (Interrupting.) No, sir.

Q. Can't you, as a matter of recollection now, think how many colored people were on the boat that came from the South with you?—A. No, sir.

Q. Don't you know about how many?—A. No, sir.

Q. Were you on the lower deck or in the cabin?—A. On the lower deck.

29 Q. You were altogether there in a small space?—A. I couldn't know the amount; I haven't tried to.

Q. The colored apartment on the lower deck is confined to a pretty small space, is it not?

WITNESS. Confined to a pretty small space. You mean a very little space?

Mr. POLLARD. That is what he means.

A. I guess it is; but we all don't mix together when we don't all know one another. If I was in here, and I don't know you, and you have a bed here, I wouldn't be so forward with you as to make friends with you.

By Mr. DONOVAN:

Q. And you don't know whether any colored people came up on the boat with you?—A. Yes, sir; there was. I don't know nothing about how many. I have no recollection how many there was.

30 Q. Don't you know whether there was two or three or four or five?—A. There was more or less.

Q. Or ten?—A. I says I told you I didn't know. I don't think it is necessary for me to dictate that question any further.

Q. I am asking you for your best memory on the subject. State about how many colored people came up on that boat with you?—A. Well, I says I don't know. What is the use of trying to tell you any more?

Q. Was there two?—A. Of course there was two. The boat couldn't run with two.

Q. Was there three?—A. There might have been three; may be three; may have been five. I told you I don't know.

Q. Were the colored quarters fully occupied, or the bunks on the boat that were prepared for deck passengers, were they occupied?—A. Very smartly crowded.

31 Q. Do you know how many bunks there are there?—A. No, sir. Q. Do you know whether or not there are twenty or thirty?—A. No, sir; I do not, sir.

Q. But there was quite a crowd of colored people come up on that particular boat?—A. Yes, sir.

Q. Do you know the names of any of the colored people that came up with you?—A. No, sir.

Q. How many days were you coming?—A. I don't know rightly.

Q. Two, three, four, or five days?—A. I don't know rightly. I might tell you right, and I might tell you wrong.

Q. About how many days?—A. I might put it wrong. I tell you I don't know rightly.

32 Q. Can't you give me some information about the length of time it would take to come from Louisiana to Missouri by boat?—

A. No, sir.

Mr. POLLARD. He wants you to guess at it.

WITNESS. I can guess, and if there is a wrong guess, why that is all right. I will do the best I can. It is as near five days as I can bring it to now.

By Mr. DONOVAN:

Q. Why didn't you tell me that it was about five days when I asked you about the time it took to come from Louisiana to Missouri?—A. Well, I just judge it to be that time. I didn't want to say exactly it was that time. I wanted to see from your statement what you meant by "about a certain time."

Q. You are a pretty bright colored man, are you not?—A. Bright in what way?

33 Q. Bright in every regard.—A. I don't know whether I am so bright or not.

Q. You are disposed to show that you are bright on the stand.—A. In what way?

Q. In every way.—A. I don't know about my being bright.

Q. Well, you think you are.—A. No, sir; I don't know that I am bright; if I thought I was pretty bright I might be dark.

Q. Now, how long did you remain in the city of Saint Louis when you came from Louisiana?

WITNESS. How long did I remain here?

COUNSEL. Yes.

A. I didn't remain here very long, no longer than I could get a car and go away.

Q. How many days did you remain here?—A. I didn't remain here a day. I come here and found out where the Union depot was
34 and then took the cars and went to Kansas City.

Q. Who put you on the cars?—A. Nobody, I had my feet Went there myself.

Q. Was it a committee of citizens of the city of Saint Louis?—A. No sir.

Q. How many of you went on the cars at the same time?—A. I don't know really; the cars was crowded.

Q. With colored men?—A. Yes, sir; women and children.

Q. About how many colored men were on the cars?—A. I couldn't say.

Q. Do you know how many colored men were on the cars?—A. I couldn't say.

Q. Can't you tell whether one or fifty?—A. It is sensible to me to know that one colored man couldn't crowd a car.

35 Q. Can you tell me now whether there was one man or fifty?—

A. I couldn't say there was fifty, I know there was more than one

Q. How many more than one? Can't you give me your best memory?—A. I mought judge there would be about forty, as near as I can come at it.

Q. Did you all come up together on the same boat?—A. No, sir; we did not.

Q. How many of you come together on the same steamboat; that went out on that train?

(Mr. Pollard, counsel for the contestant, objects to the question as counsel for the contestee has already occupied three times as much time as counsel for the contestant in the examination-in-chief, and that this cross-examination is about matters which are absolutely incompetent and trivial.)

36 Mr. DONOVAN. If the witness now on the stand was before the committee they would see the necessity of my asking these questions.

Mr. POLLARD. We object further to this latter statement of counsel for the contestee being incorporated in this record.

(Question read by the notary).

A. They didn't any one of them go out.

By Mr. DONOVAN:

Q. Did you go to Topeka, in Kansas?—A. I did not.

Q. Did any of your party, or not, go to Topeka, Kansas?—A. They were scattered from one place to another; I couldn't tell you where they went after I got to the depot.

Q. They all went to the western line of the State?—A. I couldn't give any further count of them; after they got off the cars I couldn't tell any more about them.

37 Q. Do you know whether you went to Topeka, in Kansas, or to Kansas City?—A. Kansas City was the place where I was in.

Q. Did you ever go west of Kansas City?—A. I did not.

Q. Never went into the State of Kansas?—A. Yes, sir; Sunday when I felt like walking about I would go up into the State just like you would go here in Illinois, on the other side of the river. A man can go to either place and yet not live there.

Q. How long did you remain in Kansas City?—A. I told you I was in Kansas City—I was there about three months, as near as I can come at it. I may have been a few days over, but I can't keep a regular account because I am an uneducated man.

38 Q. I don't care about a "regular account;" I just simply want to ascertain whether or not you did not go into the State of Kansas, instead of into Kansas City?—A. I did not live in the State of Kansas. I lived in the State of Missouri; Kansas City, Missouri—Kansas City, Missouri.

Q. So many of the colored witnesses that have been on the stand have spoken about coming here in September that I would like to ask you whether you know what it was that brought them here in that month?—A. I don't know the minds of every man; I couldn't tell you, sir.

Q. Was it what is known as the negro exodus from the South?—A. That is what I left for—that great exodus of the disturbance that was in the South; that is what I left for.

39 Q. Then you were what is known as a refugee?—A. Well, if that was what you called a refugee, then I was a refugee.

Q. Are you a man of family?—A. I am not. I have no wife.

Q. And were never married?—A. I have been married.

Q. Were you ever a rouster on the river?—A. No, sir.

Q. You are from the cotton or sugar plantations of the South?—A. I have gone all the trades there that I could get money out of; sometimes cotton, sometimes a fisherman; whatever things come to my hand.

Q. Did you sleep in this house, 1600 North Main?—A. Yes, sir; I slept there.

Q. Did you sleep there prior to the election?—A. Yes, sir.

40 Q. How many nights did you, in your whole life, sleep in that house?—A. I couldn't tell.

Q. Could you tell about how many times?—A. I haven't lost no night of sleeping in there that I know of, more than two or three nights, as I know of, since I been there.

Q. You know very well I didn't ask you about how many nights' sleep you had lost.

Mr. POLLARD. You are asking him about something that no man really knows, and this witness has answered you a number of times.

Mr. DONOVAN. I object most positively to the counsel for the contestant advising this witness and making suggestions to him aside.

Q. I will ask you the question how many nights you slept in the house known as 1600 North Main?

41 (Mr. Pollard, counsel for the contestant, objects to the question, because the witness has already answered in the only way he could answer, and in the way any intelligent man could answer, except by computation.)

A. I don't know.

Mr. DONOVAN. I asked him in the most respectful manner—

WITNESS. I don't know.

Mr. DONOVAN. About how many nights he slept in that particular house, 1600 North Main?

(Turning to witness.)

Q. Do you know?—A. I don't know.

Q. Did you sleep there five nights?—A. I slept there five nights and more.

Q. How many more nights than five nights?—A. Yes, sir; I slept there more nights than five nights.

42 Q. How many more nights than five nights?—A. I don't know.
Q. About?—A. I don't know.

Q. Did you sleep there ten nights?—A. I slept there ten nights.

Q. Any more?—I don't know.

Q. Were you brought by any agent of the Republican party to take a bed in that house for the purpose of registering from it in order that you might vote the Republican ticket?—A. I was not. I am twenty-one years of age, when a man begins to take care of his own interests.

Q. Did any white or colored man request you to move into that house for the purpose of registering from it?—A. No, sir.

Q. Sure of that?—A. I am sure of that.

43 Q. Do you know how many beds were in the house?—A. I don't know.

Q. Did you have a room to yourself?—A. Yes, sir.

Q. Pay rent for it?—A. Yes, sir.

Q. Anybody give you the money to pay the rent with?—A. The man that I worked for gave me the money.

Q. Who did you work for?—A. Oh, I worked for a great many men some men I don't know their names; I worked for Mr. Dutch Lewis some and some little for Mr. Banks; and from one contractor to another.

Q. Did you know the people that moved in the house?—A. I got acquainted with some of them since, and some of them I ain't got acquainted with yet.

Q. You all met together in the church below?—A. Of course;
44 didn't have anything to do with the rooms; even to-day some of the rooms I haven't been in yet.

Q. You all met in the church below?—A. I don't know whether the *all* was there, whether *all* of them does or not.

Q. How often did you meet down-stairs?

WITNESS. In the church do you mean?

COUNSEL. Yes.

A. Sometimes—I met there—they meets two or three times a week That is they meets Friday nights, and then sometimes Wednesday nights; sometimes they meet Sunday, generally Sunday more than any other time.

Q. Do you attend?—A. I goes sometimes; not all the time.

Q. But they meet two or three times a week. Now, can you give me the names of the parties that live in that house, or did live there
45 rather, prior to the election?—A. I didn't know all of them.

Q. You know them now?—A. No, sir, I don't know; there is men there in that building I couldn't call their names to save my life; I can show them to you, but I don't know them.

Q. And you have been living there ten months?—A. Yes, sir; there is people in that building that has come here since I been there; I don't know them now.

Q. To whom did you speak in regard to facts that you are now speaking about?

WITNESS. What do you mean by that?

Q. To whom did you tell these facts?—A. No person never inquired of me these things until I come here.

Q. Never inquired of these things that you are speaking about now before you sat in that chair?—A. No, sir.

46 Q. And you told them to no one?—A. No, sir; I didn't know

nothing to tell to no one; I didn't know what you was going to say.

Signature waived.

47 LEWIS WILLIAMS, of lawful age, being then produced by the attorneys for the contestant, sworn by the notary, and examined on his oath, deposes and saith as follows, to wit:

By Mr. POLLARD:

Question. What is your name?—Answer. Lewis Williams.

Q. Where do you live?—A. I live now on Third and Poplar, 515 Third street; that is where I live now; I have been there a week.

Q. Where did you live on election day?—A. I lived on North Main, 1600. I was boarding there that time.

48 Q. How long had you been living there before the election?—A. You can just count that for yourself. I went there the first day of May, and I lived there all the time until the election.

Q. Where were you born?—A. Copiah County, Mississippi.

Q. How old are you?—A. I am 28 years old this 8th day of February; to-day is my birth day.

Q. How long have you lived in Saint Louis?—A. The second of this month it is two years.

Q. Have you ever lived anywhere except in the United States?—A. No, sir; never in my life.

Q. Were you registered last fall?—A. No, sir; I was not. I was not registered, neither did I vote last fall.

Q. Did you go to the polls on election day?—A. I did.

49 Q. Which precinct, thirty-nine?—A. Yes, sir; I was there all day, or pretty near, off and on.

Q. Did you make an effort to register there on that day?—A. I did.

Q. Were you permitted to register there that day?—A. I were not.

Q. Why not; what was the reason alleged; what did they say?—A. The parties that was there present said that they knowed every man that lived in the house, in 1600, they knowed every man, and they said none of us had been there long enough; they knowed exactly when we come, and where we come from the South, and therefore they said we shouldn't vote, neither register.

Q. What are your politics?—A. Mine is Republican.

Q. Were you prepared to vote the Republican ticket there?—A. I wanted to.

50 Q. You wanted to?—A. I wanted to register and vote there that day; I started to do so; then after that there was some one come in and said if I registered and voted on that day that I should be at once arrested and put in prison; I don't know the party's name; I don't know the names who they were; all I know is that they was there.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You came up then before the refugees from the South?—A. I don't know nothing about refugees at all.

Q. You don't know when a large number of negroes came from 51 the South to this city?—A. No, sir; I doesn't know it at all.

Q. Never heard of it?—A. I have heard talk, and a heap of one thing and another, but I am always trying to be this kind of a man: Attend to my business, and then as less of other people's as I can; I have nothing to do with what I hear, and don't talk about it.

Mr. POLLARD. Just answer his questions to the point, and don't branch out.

(Mr. Donovan, counsel for the contestee, objects to the counsel for the contestant making suggestions to the witness.)

By Mr. DONOVAN :

Q. Did you see any of your friends in the crowd from Copiah County which came from the South as refugees ?—A. None that I have known that I staid with down there; I haven't saw any of them except my brother and sister, and a friend of mine that was residing with me; I haven't saw any others.

52 Q. When did they come ?—A. They came the same time that I did the second of this month it is two years ago.

Q. Are you a man of family ?—A. No, sir; I am not.

Q. Who did you board with at that house 1600 North Main ?—A. With James Brown, upon—

Mr. POLLARD. Never mind, you have answered his question; that is enough.

Mr. DONOVAN. I again object to counsel for the contestant cutting off a witness in the midst of his answer; and insist that the witness shall not be interrupted.

WITNESS. I was just about to say that it was upon the third floor.

By Mr. DONOVAN :

Q. How many were in the same room with you ?—A. None, except me and James Brown, and three little children, and his wife that was all.

Q. All lived in the same room ?—A. All in the same room.

Q. Were you requested by anybody, acting for the Republican party to go to that house for the purpose of registering from it ?—A. No, sir I was not.

Q. How long, Mr. Williams, did you live in the house ?—A. I told you just as near as I can get at it. I come there the 1st day of May.

Q. And staid there how long ?—A. I have been there until last Tuesday morning; ever since I haven't lived there at all.

Q. Did you stay there every night ?—A. Every night since I been boarding there I been staying there.

Q. Every night since the 1st day of May last ?—A. Yes, sir.

Q. What is your business, Mr. Williams ?—A. Well, I just work wherever I can get it. I worked down here in the foundery Shickle & Harrison's foundery, and across the bridge here, and from one place to another. I can't give you the full history of all where I have worked, but just as I care to work I do it.

Q. Did you ever work on the river ?—A. Not none lately. I did little last winter.

Q. On what boat ?—A. I worked on the levee last winter.

Q. For what line ?—A. I wasn't running the river, but I was just laborer on the levee.

Q. Now you were not registered ?—A. No, sir.

Q. At the city hall ?—A. No, sir.

Q. Nor at the polls ?—A. No, sir.

Signature waived.

55 WILLIAM ADAMS, of lawful age, being then produced by the attorneys for the contestant, sworn by the notary, and examined on his oath, deposeth and saith as follows, to wit :

By Mr. POLLARD :

Question. What is your name ?—Answer. William Adams.

Mr. DONOVAN. I desire on the part of the contestee to object to the introduction of this witness, for the same reasons that have been heretofore stated, to wit, that the residences of these witnesses have not been given in the notice, nor has the residence of any witness in any notice that the counsel for the contestee has received been given; 56 and not desiring to reiterate this objection, it is requested that it shall be considered as applying to all witnesses heretofore and hereafter examined.

By Mr. POLLARD:

- Q. Where do you live?—A. I live on Second and Mound.
 Q. How long have you lived there?—A. I lived there six years, sir.
 Q. How old are you?—A. Twenty-four years of age.
 Q. Colored man?—A. Yes, sir.
 Q. And you were born where?—A. In Kentucky. I have been in Saint Louis fifteen years.

Q. Did you ever live in any other State except Kentucky and Missouri?—A. No, sir.

Q. Were you registered last fall?—A. I went around to register; yes, sir.

Q. Where?—A. To the city hall.
 57 Q. Did you register?—A. I put my name there. I don't know whether they put it there or not.

Q. Did they swear you; did they direct you to hold up your right hand and swear?—A. No, sir; they told me it was all right; to go home; one of the clerks told me that.

Q. Did you write your name on the book?—A. No, sir.
 Q. What did they do with you when you went there?—A. I went in and he asked me what I wanted. I told him I wanted to register, and my name was taken. He told me to go ahead it was all right.

Q. How long before the election was that?—A. That was about two weeks before the election.

Q. Did he or did he not lead you to believe that you had registered?—A. Well, I don't know, sir; he told me it was all right.

Q. I ask you whether you believed you had registered?—A. I didn't think I was, sir.

Q. You did or did not think it was?—A. I didn't think it was at the time.

Q. Did you make any further inquiries?—A. I asked him was it all right, and he told me it was all right, go ahead.

Q. Did you then afterwards go to the polls to vote?—A. Yes, sir.

Q. What precinct; was it precinct thirty-nine?

(Counsel for the contestee objects to the question as leading to a willful witness.)

A. Yes, sir.

By Mr. POLLARD:

Q. On election day?—A. On election day; yes, sir.

59 Q. Did you have your ballot?—A. Yes, sir.

Q. I mean ticket?—A. Yes, sir.

Q. What was it, Republican or Democrat?—A. Republican ticket, sir.

Q. Was the name of Mr. Sessinghaus on the ticket that you had in your hand?—A. I don't know, sir.

Q. State whether it was a straight Republican ticket.—A. It was a straight Republican ticket, sir.

Q. Did you offer to vote that ticket on that day?—A. Yes, sir.

Q. Did you vote it?—A. No, sir.

Q. Why not?—A. Why, when I got to the polls there was fighting going on there, and I couldn't get up to the polls; a good many men was standing around there, and one man says, "Young fellow, if you go up there I tell you I will knock your d——d head off." I says, "I wnat to vote my ticket," and he says, "You shan' vote that ticket here;" but I says, "I will vote it," and he says, "No you shan't vote;" and then the crowd they got around him there and got to shoving and fighting, and so on, that I didn't want to stay there and I went on to my work.

Q. And didn't vote?—A. No, sir.

Q. You are a colored man?—A. Yes, sir.

Cross-examination by Mr. DONOVAN:

Q. What hour did you go to the polls?—A. I went to the polls at four o'clock.

Q. Morning or evening?—A. In the evening.

Q. Who was this man that said he would knock your head off?—A. I don't know, sir, who he was.

Q. Was he a larger or smaller man than you?—A. Larger man or taller. I don't know that he was any thicker, but he was a great deal taller.

Q. Were there any other colored men there at that time?—A. Well I never noticed around the polls whether there was any or not; there was such a great crowd there.

Q. Was there any colored men around the polls immediately at the neighborhood, at that time?—A. I don't know whether there was any or not.

Q. You couldn't see whether a man's face was white or colored?—

A. No; I never noticed. I went up to put my vote in, and 62 couldn't get it in.

Q. What did the judges say to you?—A. The judges—couldn't get up to the hole at all; they shoved me back.

Q. But you were present when this little difficulty occurred with the white man?—A. No, sir; I don't know anything about a white man having a difficulty there.

Q. Wasn't it about that hour that there was some little disturbance with a white man, a Democrat, too?—A. I don't know, sir, whether there was or not.

Q. Did you see any fighting while you were there?—A. Yes, sir.

Q. Was there anybody hit?—A. There was several men hit.

Q. Were they white or colored?—A. Well, I never noticed 63 whether they was white or colored; it was very exciting to me as they was running; and they was running after that man.

Q. It was just about that time that there was some trouble there that has been fully detailed by the man that seems to have got hit. Do you know whether or not at that time you were there?—A. I don't know, sir, whether I was or not.

Q. How far were you from the crowd?—A. Well, I presume I was as far from the crowd as that there door.

COUNSEL. About twelve feet?

A. About twelve feet; yes, sir—no, it was about twenty feet away from the crowd. Well, sir, I don't know whether it was twenty feet or not; I know I got out of the way to keep from getting hurt.

Q. You were looking at what was going on?—A. I was not looking on. I went to put in my vote, and of course I had to get out of the way to keep from getting hurt.

Q. Did anybody offer to strike you?—A. Well, they shoved pretty bad.

Q. Did anybody raise his fist to strike you?—A. Well, three or four shoved me.

Q. Did anybody raise his fist to strike you, that was my question?—A. Well, I have told you that when I went there they didn't raise their fist to hit me, but they shoved me back.

Q. Well, there is always crowds around the polls, is there not?—A. Well, there was there.

65 Q. Did you ever vote before?—A. Yes, sir.

Q. Where at?—A. At the Presidential election. I don't know exactly what time or day.

Q. Was that the Presidential election?—A. Yes, sir.

Q. How many years before?

WITNESS. Before which?

COUNSEL. Before this last election at which you say you tried to vote, that you went to the polls?

A. It was four years ago, sir.

Q. You are twenty-four years of age to-day, you say?—A. No, sir; I didn't say that. I said I was twenty-four years old.

Q. Do you know your birthday?—A. No, sir; I don't know when my birthday is.

66 Q. I understood you to say you were twenty-four years old.

Now, you voted at the Presidential election before the last?—A. I said I was twenty-four years old.

Q. Did you vote for Grant?—A. Yes, sir.

Q. How long did you remain at the poll?—A. I remained at the poll about half an hour.

Q. After this crowd that you speak of?—A. Yes, sir.

Q. Did you not see a United States deputy marshal at that poll—a man of your own color, and a perfect giant in appearance?—A. No, sir.

67 Q. Who was there to see that everybody's rights, and particularly colored men's rights, were fully protected?—A. No, sir; I did not.

Q. You did not see him standing immediately in front of the polling place?—A. No, sir; I did not.

Q. Do you know James Turner?—A. No, sir.

Q. Well, when this crowding took place the crowd moved around towards the corner, did they not?—A. They moved—yes, sir—they moved around the corner from where I was.

Q. When the crowd moved away from the poll and went around the corner, didn't you, then, go to the window?—A. I couldn't get there.

Q. When the crowd moved away from the poll around the corner that would leave the polling window free, especially when they went 68 around the corner; why didn't you then go to the window?—A.

Because I couldn't get there, sir; that was all the reason.

Q. But, then, there was no crowd around the window?—A. The crowd was around there, too, and kept any one from going up to the window.

Q. But don't you know that the negroes at that poll took their places in line and went to the window, not only once, but many of them two, three, and four times?—A. They didn't do it up there, sir.

Q. You say they didn't do it there at that poll?—A. Not at the time that I was there.

Q. Did you see anybody at that poll, at any time that you were there that day, any colored man who informed you of that fact?—A. No, sir.

Q. Did you consult with any colored man about your case?—A. No, sir; I did not.

69 Q. Didn't you talk with any colored man in the vicinity of poll?—A. No, sir.

Q. When was the first time you made any complaint about this election, this preventing you from going to the poll to register?—A. I complained of it all the time; but I didn't know exactly where to go make my complaint at.

Q. You were shoved there in the crowd, and for that reason did you approach the window; yet, after being shoved there, you remained back an hour afterwards?—A. Yes, sir; trying to get to the window.

Q. You say you wanted to go to your work, as a reason for you hastening off?—A. Yes, sir.

70 Q. What was your work?—A. Working at the Laclede Rolling Mill, firing and making gas.

Q. Wasn't it a fact that the crowd that was there then were voting, desiring to cast their ballots?—A. Well, I don't know whether that was or not.

Q. And you didn't choose to take the time to approach the window to go to the window?—A. I couldn't get there; that is all the reason.

Q. Well, you didn't wish to take the time to go to the window, the crowd was so great, all the people who were then present being desirous of casting their ballot?—A. I went the time before; I could spare the time to stay there any longer, especially when I seed it getting worse.

Q. There was a number of voters present at the time?—
71 Yes, sir; there was some present at the time.

Q. And the judges were very busy?—A. I don't know whether the judges was busy inside or not; I couldn't see from back whether they were busy or not.

Q. Well, there were many people there who wanted to put in their ballot?—A. I presume there was, sir.

Q. And you didn't have the time to remain there any longer?—No, sir.

Q. What time did you leave the rolling-mill to go to the polls?—I was going to the rolling-mill when I started to the poll.

Q. Four o'clock in the afternoon?—A. Yes, sir.

Q. Didn't you go on duty in the morning?—A. No, sir.

Q. Didn't you go on duty at noon?—A. No, sir.

72 Q. Your hour for going on duty is four o'clock?—A. Yes, sir; that is when I go on duty at four o'clock; you see, I was on night gang; I get home at five o'clock in the morning, and go to work four in the afternoon.

Q. Who requested you to go to the polls to vote?—A. Myself.

Q. But you did not vote, and don't know whether your name was on the registration-list or not?—A. No, sir; I did not.

Signature waived.

73 HENRY MEREDITH, of lawful age, being then produced by attorneys for the contestant, sworn by the notary, and examined on his oath, deposeth and saith as follows, to wit:

By Mr. POLLARD:

Question. What is your full name?—Answer. Henry Meredith.

Q. Where do you live?—A. I lives now on North Market street, in this city.

Q. How long have you lived in Saint Louis?—A. Nineteen years.

Q. How long have you lived on North Market street?—A. I believe about a month; just about a month.

74 Q. How old are you?—A. I was twenty-two years old last May.

Q. How long have you lived in Saint Louis?—A. Nineteen years.

Q. You are a colored man?—A. Yes, sir.

Q. And born where?—A. I was born in New Madrid, Missouri; never lived out of this State.

Q. What was the number on North Market?—A. I don't know the number on North Market street where I now live.

Q. Where did you live on the day of election?—A. I lived on Sixth street, between Cass avenue and O'Fallon; I was boarding there.

Q. On Sixth street, between Cass avenue and O'Fallon?—A. Yes, sir; I just come in town the day before.

75 Q. How long did you say that you had been living there before the election?—A. I had been living there about three weeks before the election.

Q. Where had you lived before you went there?—A. I lived on Second and Mound streets; I boarded there.

Q. Did you go to the polls to vote on election day?—A. I did.

Q. Where; what precinct?—A. Well, sir, I don't know exactly where it was.

Q. Where was the precinct?—A. On Mound street, between Brooklyn and Webster, I think it was; I don't know exactly the street.

Q. What time in the day did you go there to vote?—A. About ten o'clock.

Q. In the morning?—A. Yes, sir.

76 Q. How far was that from where you were boarding at the time?—A. I been there—just about three blocks; I think it is about three blocks.

Q. Which way?—A. This way.

Q. That is south?—A. Yes, sir; I left the place where I was boarding the very same day.

Q. You left the place that day—election day?—A. Yes, sir.

Q. Where you had been boarding?—A. Yes, sir.

Q. How long had you been boarding at the place that you lived in election day?—A. I had been boarding there about three weeks, just about three weeks.

Q. And this polling precinct is about three blocks from where you were boarding?—A. Yes, sir; I think so; south.

77 Q. And where was it that you were boarding?—A. I was boarding up there, between Cass avenue and O'Fallon, on Sixth street.

Q. In the front or rear?—A. In the front.

Q. Had you been registered; were you registered last fall?—A. No, sir.

Q. Did you offer to register there that day?—A. Yes, sir.

Q. Were you registered?—A. No, sir.

Q. Why not?—A. Well, I couldn't get to the polls, they was fighting so, and I seen them run a colored man away; they got to fighting, or was cussing and swearing so that I couldn't come near the polls.

Q. And you didn't register at all?—A. No, sir.

Q. Were you prepared to vote?—A. Yes, sir.

78 Q. What ticket?—A. I wanted to vote the Republican
sir.

Q. Straight?—A. Yes, sir.

Q. What caused you to go away; what did you go away from
polls for?—A. They was fighting so, I was afraid somebody
hurt me; and I seen them fighting some colored man; runnin'
away.

Q. What time of the day was that?—A. That was about ten o'
in the morning.

Cross-examination by Mr. DONOVAN, counsel for contestants.

Q. At what poll did you offer to vote?—A. I offered to vote on
tween—I don't know exactly the name of the streets—Mound street
the polls is right on Mound street—above Mound.

79 Q. Do you know whether or not it was the proper place
you to vote?—A. Yes, sir; I thought it was the proper place
had been living down at the foot of Mound street for the last three
four years.

Q. This was not poll thirty-nine?—A. I don't know the number
the poll. *

Q. Well, poll thirty-nine is at Broadway and Hempstead, just
Mound; is that the poll that you tried to vote at?—A. Yes, sir.

Q. Do you know whether or not your name was on the books at
poll?—A. No, sir; I don't know that my name was on the books
because I never gave my name, because I just come into town the
before.

Q. You then went to the poll that you thought was the
80 place to vote at, provided you lived on Sixth between Cass
avenue and O'Fallon street?—A. Yes, sir.

Q. And you moved to Sixth between Cass avenue and O'Fallon
on the very day of election?—A. I didn't move up there; I
from there.

Q. And you went to vote at the poll that you thought it was
proper to vote at, on Sixth street between Cass avenue and O'Fallon
for any person living in the house there?—A. Yes, sir.

Q. You said you came to the city the day before the election?
Yes, sir.

Q. Where had you been?—A. I had been to Vicksburg, on the
Kinney.

Q. When did you start to return from Vicksburg, on the Joe
ney?—A. Well, I don't know exactly the day of the month
81 but it was on Saturday at eleven o'clock.

Q. Do you know what month?—A. No, sir; I don't
exactly what month.

Q. But you arrived in this city the day before the election?—A
sir.

Q. And moved to a house on Sixth street between Cass avenue
O'Fallon?—A. No, sir; I didn't move to the house there; I
from the house on Sixth between Cass avenue and O'Fallon down
Second and Mound.

Q. Well, then, on your return from Vicksburg you took up quarters
at Second and Mound?—A. Yes, sir.

Q. And endeavored to vote at the polling place in which Second
Mound is?—A. Yes, sir.

Q. Did you ever vote before?—A. No, sir.

82 Q. Did you know whether or not you were entitled to vote?—
A. I always heard that if you was twenty-one years old you was entitled to a vote.

Q. Who informed you that the polling place was on the corner of Second and Mound streets, to which place you moved on the very day of election; who told you that it was the proper polling place at which you should vote?—A. Nobody told me, any more than that I had been living there on them streets for the last nineteen years; right there in them two places, and I thought that was the proper place for me to vote.

Q. Proper place for you to register, you mean?—A. Yes, sir.

Q. You don't know whether the poll is thirty-nine or forty-
83 three?—A. No, sir; I don't know the number of the polls.

Q. Were there many people at the polls?—A. Yes, sir; there was quite a crowd.

Q. Were there many white and colored?—A. No, sir; two or three colored men around. Some of them was running some colored men; they was knocking them around; there was two there that I got to see; I saw them running these two men; that is what I seed.

Q. What street were they running down?—A. Mound street. I was going to the polls then when they was coming.

Q. Did you see anybody hit?—A. No, sir; I didn't see nobody hit.

Q. How long did you remain at the poll?—A. I remained there about three-quarters of an hour.

Q. Were there any people coming down to the Joe Kinney to
84 get the colored people on that boat to go up to the polls?—A. No, sir; if there was I didn't see them.

Q. Were there many people living in your immediate vicinity?—A. There was five or six families living in the place where I am living at now.

Q. You are living now on North Market street?—A. Yes, sir.

Q. How many colored people reside in the vicinity of Second and Mound?—A. Well, there is three families living, I believe, on Second and Mound; three or four families.

Q. Who came to request the colored men living there to go to the polls to register and vote?—A. I didn't see anybody.

Q. Did you ever make another trip on the Joe Kinney?—A. Yes, sir; all the steamboating I ever done was on that boat; ever since she has been running.

85 Q. You have lived at many places here in Saint Louis, have you not?—A. Yes, sir; I have lived at three or four places since I left my father and my mother.

Q. And you left your father and your mother when?—A. I been away from them for the last three years, I believe; three or four years.

Q. When did the Joe Kinney make her next trip after the election?—
A. I don't remember exactly.

Q. Did she go out on election day?—A. I don't remember whether she went out on election day or not.

Q. Did you go down on her when she went the next time?—A. No, sir.

Q. You didn't ship on her afterwards?—A. No, sir; not that trip, I didn't.

86 Q. You remained afterwards for what purpose?—A. I was sick.

Q. Were you sick on election day?—A. No, sir. I wasn't sick on election day; on that day I just had a dull headache; I was not bad sick.

Q. And you didn't ship on the Joe Kinney, that went out on election day, because you had a bad headache?—A. Yes, sir.

Q. Have you been speaking to anybody regarding the facts to which you are testifying now, before you came here?—A. No, sir.

(Signature waived.)

87 THOMAS HARVEY, of lawful age, being produced by the attorneys for the contestant, sworn by the notary, and examined on his oath, deposeth and saith as follows, to wit:

By Mr. POLLARD:

Question. Where do you live, Mr. Harvey?—Answer. I live at Eleventh and Chambers.

Q. How long have you lived in Saint Louis?—A. Well, off and on, about twenty-six or twenty-seven years.

Q. Do you know Mr. John D. Williams, who was special registrar at precinct one hundred and forty-eight on election day?—A. I do, sir

88 Q. Did you see him on the day after that election?—A. I did.

Q. Where?—A. On Fifteenth, right near Cass avenue, on the east side of the street.

Q. Did you have any conversation with him on that day about what was done at precinct 148 on election day?—A. I did.

Q. Now, state what he told you he did in regard to registering voters on that day at this precinct.

(Mr. Donovan, counsel for the contestee, objects to the question on the ground that it is calling for a mere matter of hearsay. Mr. Williams himself is within the process of this court, but has not been subpoenaed.)

A. Well, we was—it was a Sunday evening—we were up there, and he came after this lady's sister to know if she couldn't go home to stay with his wife, saying she was sick. Well, from that we got to talking with regard to the election, and he got to telling us what he did. He said that he just held the precinct in the Fourteenth ward; that he wouldn't let a G-d d—d man vote, he wouldn't let him register, he did not register but one, and that man he had to—I asked him how that was, and he said that was his instructions.

By Mr. POLLARD:

Q. Was that substantially all that he said on that subject?—A. That was at that time, yes, sir; and then afterwards I asked him how come he to do this. "Well," he says, "I don't know;" he says, "I was paid for my work." Then I went as far as to ask him who by, and he says, "That is my business."

90 Q. Did he tell you that he wouldn't allow any Republican to vote there that day, if he could help it?—A. If he thought it was a Republican he wouldn't register him; he said he did stop a good many, he wouldn't register them; he said he was put out of the place at one time for the purpose of going down and getting papers, I think he said it was E. A. Noonan, to go down and get papers and be reinstated.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Who is John D. Williams?—A. He was registrar at that precinct on that day.

Q. Or supervisor?—A. Supervisor or registrar, one or the other; I think it is registrar.

91 Q. You don't know whether he was the supervisor or registrar?—A. I think he was the registrar; I am not positive.

Q. He was appointed in the usual way at the poll, whether it was as a registrar or supervisor?—A. He was appointed through Hugh J. Brady.

Q. Hugh J. Brady is a representative in the Missouri legislature?—A. Yes, sir; he was appointed through him.

Q. Who gave him his appointment?—A. That I couldn't state. That is what I heard him say, he was appointed through Mr. Brady.

Q. Was he appointed by a United States officer or by the judges?—A. That I couldn't say.

Q. So you are utterly unable to say whether this man was acting as supervisor or as a registrar?—A. He was in the office on that day according to his own statement, I didn't see him; he told me, that is his conversation.

92 Q. How long after the election did you converse with him?—A. On the following Sunday after the election.

Q. That was about a week after the election?—A. Not quite. The election was on Tuesday, and this was on Sunday evening.

Q. How did you come to meet him?—A. Well, I happened to be in the house, he came there looking for a young lady to go up—to see if he couldn't get her to stay with his wife, who was sick.

Q. Is he an old man or a young man?—A. Young man.

Q. What is his business?—A. He is a peddler, or had been.

Q. What kind?—A. Peddling fruit.

Q. How long was he living in that vicinity?—A. I couldn't state that either.

93 Q. How long did you know he had been living in Saint Louis?

—A. I have known him for about fifteen or sixteen months; he was secretary of the Frost Club up there, him and Joseph Stall and Brady, and some more of them; I happened to be one of the members, that is the reason I know. Noonan was in that club, that is previous to the election; I was a member until I found out that they were trying to give not only me, but the balance of the club, trying to give us a little wind, and I wouldn't have it.

Q. You wanted money?—A. I didn't ask for it.

Q. You wasn't satisfied with wind?—A. No, sir; they were giving me more than I could take. I don't see what I wanted with wind. I asked for nothing; I asked for no money.

94 Q. You wouldn't object to receiving some money?—A. I wouldn't say that, either.

Q. Would you or would you not?—A. Well, that is a thing I don't think I am obliged to answer.

Q. Well, do you think it would be unlawful for you to answer that question?—A. No, sir; I don't think it would; I don't know that I am obliged to answer it.

Q. What reason can you give for not answering such a plain question put to you in such a respectful manner?—A. I don't think it is required; I leave to your own honor, now, whether you think it is required of me to answer that question.

Q. Did you receive any money?—A. I did.

Q. Did you receive any from Mr. Sessinghaus or any of his agents?—

A. I have never spoken but twice to Mr. Sessinghaus in my life; I never received a dollar from him; nor a five cent piece.

Q. Or from his friends?—A. No, sir.

Q. Or from his acquaintances?—A. No, sir; not that I know of; has done me some little favors, though.

Q. When?—A. When he was in the school board.

Q. How did you fill in your time on election day?—A. I was in one precinct to another.

Q. For which ticket were you working?—A. Straight Democratic ticket with the exception of R. Graham Frost; I never voted nothing else—

Q. But a straight Democratic ticket?—A. Yes, sir.

Q. You voted for Mr. Sessinghaus?—A. I did.

Q. How long before the election did you conclude to work for Mr. Sessinghaus?—A. Well, I guess it was a couple of months.

96 Q. And all this time you were a member of the Frost Club?—A. Yes, sir; I was.

Q. How could you reconcile it to your sense of propriety to remain member of the Frost Club for several months previous to the election if you intended to work for Mr. Sessinghaus?—A. Well, I will tell you it was right in my neighborhood; a great many of my acquaintances went there and I went there more to meet them than for anything else.

Q. But they all believed that you were in with them?—A. I do not know what their belief was.

Q. Well, you gave them to understand that you were a member of the Frost Club, and that meant that you would support Mr. Frost?—A. I did not; that was never my intention, sir.

97 Q. Was the club called a Frost Club?—A. No; the club was called—I couldn't say the name of the club now; they was going to give it a name; they was about to get uniforms, and they put expense on R. Graham Frost and some others at the time; they had money in their pocket, but would not put it up; Hugh J. Brady, and some more of them, I mean up there.

Q. What was your business at and before that election?—A. I was at the school board.

Q. As what?—A. As what? In regard to the furniture; placing and refitting; at the time of the election, though, I was working with C. G. Stifel, Stifel's brewery; previous to that I had been with the school board.

Q. Then, about election times you were working with Mr. Stifel?—A. Yes, sir.

Q. Mr. Stifel is a brewer?—A. Yes, sir.

98 Q. He is a Republican?—A. Yes, sir; I believe so.

Q. A pretty strong one, too?—A. Yes, sir.

Q. And a friend of Mr. Sessinghaus?—A. Yes, sir; I believe so.

Q. He got a good many votes out of that brewery. He got all the Democrats that were in the brewery to vote for Mr. Sessinghaus?—A. All the Democrats? I don't know one.

Q. Except yourself?—A. I was not in the brewery; I was in his employ.

Q. You were not, then, in his brewery?—A. I was in his employ.

Q. You were not employed in his brewery?—A. No; not as a brewer.

Q. What was the character of your employment?—A. Well, keep the ice-house; looking after the ice in the houses.

99 Q. Was it also looking after election interests?—A. No, not at all.

Q. Did he request you to vote for Mr. Sessinghaus?—A. Never! a word with him in my life.

Q. Did he know whether you would or not?—A. I don't know whether he does to-day.

Q. What did Mr. Frost do that caused you to be false to the principles of the Frost Club?

WITNESS. Mr. Frost?

COUNSEL. Yes, sir.

A. He had never done nothing to me.

Q. Well, why did you work against him?

WITNESS. Why did I?

COUNSEL. Yes, sir. Don't repeat my questions; answer them.

A. Well, I think I was doing the gentleman; that I thought 100 was just as capable a favor—a man, too, who had done me a favor; that was the only object I had to scratch Mr. Frost and put Mr. Sessinghaus in his stead.

Q. Did Mr. Stifel permit you to leave the brewery on election day to go and work for Mr. Sessinghaus?—A. He didn't permit me to do anything. I don't know whether he was aware that I was away, or whether I was not away.

Q. Did the foreman know?—A. The foreman knew I was away.

Q. Did the foreman request you to do that?—A. Never said a word. He asked me if I was coming to-morrow, and I said no.

Q. How did it come that he asked you whether you were "coming to morrow?"—A. Well, I will tell you. The night previous to this 101 we got to joking, ten or twelve of us; we were there talking, carpenters and workmen generally, all of us. We got in the saloon, and got to talking about the election; they asked me how I was going to vote, and I told them, and they said they would bet me I wouldn't do it. I said you come out and see to-morrow. So the next morning I went up to get him—I mean the foreman—to show him that I would do as I said, and I took him down there. I took down the foreman.

Q. The foreman went with you to the polls?—A. Yes, sir, he did. I then went to West Twentieth and Cass avenue, and then went to register him; he had moved from Second and North Market, between Monroe and North Market. I believed he had moved eight or nine days previous, and had to get the two proprietors of the Lafayette 102 brewery to identify him, before they would take his vote.

Q. Now, isn't it a fact that the foreman insisted upon taking you down there and voting for Mr. Sessinghaus, or else you would be discharged from Mr. Stifel's employ?—A. No, sir; I didn't care if I was.

Q. Did you spend the whole day there, going from poll to poll working with scratched tickets?—A. I did.

Q. How many scratched tickets on which the name of Mr. Frost was rubbed off and Mr. Sessinghaus's put on did you distribute?—A. I put off a good many; I will say about thirty-six or thirty-five, among friends and all.

Q. Put off thirty-five tickets scratched in the interest of Mr. Sessinghaus?—A. Yes, sir.

Q. They were straight Democratic tickets, with that exception?—A. Yes, sir.

103 Q. What time in the morning did you go to the polls?—A. Well, I put in the twenty-ninth vote.

Q. What time did you go to the polls?—A. I couldn't say now. It was some time in the forenoon.

Q. How early was that in the morning?—A. I judge it was about nine, or possibly a little later.

Q. Or a little earlier?—A. No; I think it was a little later. Somewhere about nine, or a quarter after nine. Somewhere about that time.

Q. You are sure it was not earlier?—A. I am.

Q. And you remained there how long?—A. Well, a couple of hours up in that precinct.

Q. Can you write, Mr. Harvey?—A. Yes, sir.

Q. Did you yourself scratch these tickets?—A. Yes, sir.

Q. Did you place them on the board in front of the polling windows, or hold them in your hand?—A. I had them in my hand.

Q. Did you place any on the boards in front of the window?—A. I did not. They were—I guess you know Mr. Gallagher, he was going to have me arrested there for scratching.

Q. That it was illegal to place scratched tickets on the board—not proper?—A. I told him to shut up and go away from there or I would bit him a rap on the nose. He says, "I am a committeeman." I says, "You can't tell me what I am going to do. You go away from here."

Q. Now, for all this work that you did on election day, leaving your place of business, you received no compensation?—A. No, sir; I think, from what I received outside of the work which I had done, that I was about to lose—let me explain that—I was about to lose some money through a man employed by the school board, and I succeeded in getting that money through Mr. Sessinghaus. I thought that paid me pretty well.

Q. When was that, about election times?—A. No, sir; it was before I was working for the janitor of the new Webster school.

Q. How long was this before the election?—A. Well, I couldn't state now. I think it was about six or seven weeks.

Q. It was after Mr. Sessinghaus was nominated?—A. Well, I don't know that, either.

Q. Do you know how long prior to the election Mr. Sessinghaus was nominated?—A. No, sir; I do not.

Q. Well, what was the particular favor which Mr. Sessinghaus rendered you?—A. In regard to money?

Q. He saved or gave you money?—A. Well, I was about to lose the money. A man was a going out of a situation in the school board, and was going to cheat me out of my money that he owed me.

Q. How much was that?—A. It was thirty-eight dollars and a half.

Q. And Mr. Sessinghaus gave you that money?—A. He went down to Mr. Wash, secretary of the school board. I had a recommendation to Mr. Staunton, of the First ward, and he referred me to Mr. Sessinghaus. He said that Mr. Sessinghaus was living in my ward, and not in the ward that he lived in. This janitor had been employed in the new Webster school. He said he was the instigation of getting me this position. He told me he would pay me this money the first of the month, as soon as he got paid. I told him I wanted my money now, but he wanted me to wait, and wouldn't give it to me. I knew he was about to go away from there and didn't intend to pay me what he owed, so I went to Mr. Sessinghaus and told him to get it. He says "I will get it. I will get you your money if you will only keep away from there." He told me to come down there the following Thursday, and I couldn't come down, so I sent my mother, and he says, "You come down and I will give you the money. I will stop his money at the school board. He has got to pay your boy what he has

done for him." He said this to my mother. Well, I thought that was about as good a knack as a man could do for me, being a stranger to me.

Q. Mr. Sessinghaus then gave you the money?—A. No, sir; he seen that I got the money. I got it from Mr. Wash, secretary of the 108 school board.

Q. He knew you were a member of the Frost Club?—A. I don't know whether he did or not.

Q. You don't know whether he did or not?—A. No, sir; not from him.

Q. Didn't have any talk about the approaching election with him?—A. No, sir.

Q. How long were you in his company?—A. Well, I would say about fifteen or twenty minutes.

Q. How often were you in his company?—A. Only twice.

Q. He was then engaged in an active canvass?—A. He was then engaged in his mill.

Q. Engaged in a political canvass?—A. I don't know that at this time that he was a nominee or not; I couldn't state that; I don't think I knew this.

109 Q. Well, then, six weeks before the election political excitement was running pretty high, wasn't it?—A. I don't think that I know whether he was or not a nominee at that time, at that time he got the money for me.

Q. Mr. John D. Williams is a sober man, is he?—A. As far as I know; I never saw him any other way.

Q. A reputable citizen?—A. As far as I know.

Q. Was there any occasion for him to state that he wouldn't register people entitled to vote at that precinct?—A. Well, that I don't know any more whether in this conversation I asked him for it or not, but I think he came out and volunteered it.

Q. On his own accord?—A. Yes, sir.

110 Q. Do you know whether he prevented anybody from registering?—A. So he said.

Q. You don't know whether he prevented anybody whatsoever?—A. No more than his own talk.

Q. He didn't say he prevented anybody?—A. He did.

Q. He said he would not—

WITNESS. He said he did.

Q. Do you know if it is a fact that he did prevent anybody from registering? Do you or do you not know the particular circumstances attending the case, and whether it was not his duty to refuse them registration?—A. He said he was under instructions; that is what he was ordered to do, and he done it.

Q. But you don't know what he did?—A. Well, I just merely stated to you what he told me. He told it to more than me; there was 111 two or three at the house at the time.

Q. Didn't you think it a little strange that Mr. Williams, if he was such an ardent Democrat, should speak to you in that manner, knowing you to be such an ardent Sessinghaus man?—A. He didn't know I was one or the other until I told him right then and there.

Q. Wasn't he at one of the polls at which in the district you were working?—A. He was in the Fourteenth ward.

Q. Wasn't that one of the polls in the district in which you were working?—A. I don't know; I wasn't at that poll; I was not in that precinct at all; I was there, but I didn't see him; I didn't know he was there on that day.

Q. He didn't see you handling tickets on that day in t
112 terest of Sessinghaus, and being rather violent in your st
canvassing?

WITNESS. Rather violent?

COUNSEL. Yes; you were going to knock somebody in the hea
WITNESS. Well, I had occasion for that, I think, and he has s
ted so since then; he was one of the central committee.

Q. He said that Mr. Brady told him to prevent people from reg
ing!—A. He didn't say who it was who told him; he said it wi
instructions.

Q. And he was put there by Mr. Brady, who was running fo
Missouri legislature!—A. Yes, sir.

Q. Do you know whether or not the man is acquainted with Fr
A. Yes, sir; I know he is.

Q. You think he is!—A. I know it.

Q. Did you ever see them together!—A. Yes, sir; I did.
113 Q. You saw them at political meetings, I presume!—A.

them at Sixteenth and Clark avenue.

Q. At a political meeting!—A. Yes, sir.

Q. He was then in the crowd!—A. Yes, sir; he was also a
Sturgeon market.

Q. And again he was in the crowd!—A. Yes, sir.

By Mr. POLLARD:

Q. I want to ask you this one question, did you, individually,
into the boxes these thirty-five ballots!—A. No, sir; I didn't state
I stated that I had put in or was the instigation of getting that mar
in for Mr. Sessinghaus by scratching Frost.

(Signature waived.)

114 B. H. DYE, of lawful age, being then produced by th
torneys for the contestant, sworn by the notary, and exar
on his oath, deposeth and saith as follows, to wit:

By Mr. POLLARD:

Question. What is your name; please, Mr. Dye, in full!—Answer
H. Dye.

Q. You live in the city of Saint Louis!—A. Yes, sir.

Q. And are a lawyer!—A. Yes, sir.

Q. And have been in the practice for a good many years!—A.
six or seven.

115 Q. A Republican in politics!—A. Yes, sir.

Q. State whether or not, Mr. Dye, you were one of a
mittee appointed to visit the board of revisers last Presidential
tion—last election—last fall!—A. Yes, sir; I was one of the legal
mittee—committee of lawyers appointed by the league.

Q. Union League!—A. Yes, sir; Union League.

Q. How many times, Mr. Dye, did you visit that board of revise
A. For three or four days during their sittings.

Q. Three or four!—A. Yes, sir; I don't remember the exact nu

Q. What days were they with regard to their sessions!—A. Th
three or four days of their sessions.

Q. Were you there during the whole of their sessions on
116 days!—A. My impressions are that I was. I may have on
occasion, possibly more, got there a few minutes after the c
the names.

Q. Now, Mr. Dye, please state the mode of operations of that b

—A. The board would be called to order by, I think, the chairman of the board, the registrar of votes—the recorder of voters—acting as secretary.

Q. That is Mr. Gonter, you mean?—A. Yes, sir; a call would be made for reports from the various representatives of the various wards, whereupon members would report if they had any reports to make; they would be called up, if I remember correctly, by numbers beginning with the First ward. Whenever a member was thus called whatever report he had to make to the board that day he would then present. If he had no report to make he would so announce. These reports would be in writing, I believe, at least so far as I could see they were in writing; and in such as I did see and examine the names were given of the parties to be stricken off, but the reports that were made to the board itself would simply be an announcement by the secretary, generally from a slip of paper, which you might say was the recapitulation, which would be handed in by the proper ward, the footing, as the footing of his report. This would be simply an announcement of the numbers to be stricken off. On one occasion, I remember, some one there in the board had, in his recapitulation, stated the causes for which they were stricken off, one being death, another being removal, another being not found, and so on, and it was announced floor or the chair, that the reasons were not required by the board, as it by somebody, whether from the was a matter over which the individual himself had jurisdiction, and that they couldn't take up their time to listen to these various causes that might be assigned. If the gentleman who made the report recommended that the names be stricken off that was enough. This met with the approval of the board. They would meet for an hour, generally at four o'clock, and, I believe with one exception, always adjourn before the hour expired.

Q. Then these reports did not show the list of names—the names were not given to the committee while you were there—to the board?—A. These reports that would be handed in would be doubled up generally and handed to the secretary and unfolded by him. Nobody but the man who handed in the report would know what it contained.

Q. The secretary simply read the summary?—A. Simply said, for instance, from the First ward so many stricken off; Second ward, so many stricken off; Third ward, so many, and so on.

Q. And when they got through the wards they adjourned?—A. Yes, sir.

Q. That was all that was done?—A. Sometimes there was discussion. There was, on two or three occasions, quite emphatic dissent on the part of the members of the board from the action of the board upon reports that would come in.

Q. What would be the result of that discussion? (I want to save time.) Was there any vote taken; was this method changed by a vote?—A. No, sir; there were efforts made specially by Mr. Skinker. He had taken the position that the action of the board in certain matters was illegal as to procedure. He took the position with a great deal of firmness, but he was voted down, if, in fact, sufficient respect was paid to his dissent to bring it to a vote. I think, however, he was voted down. I remember that particular case because I was sitting by him at the time, and he and I were discussing it, the construction of the law under which the board was acting.

Q. During any of the time that you were there, did the board, as a

board, receive any evidence as to the propriety of striking off any individual from the list.

WITNESS. Yes; as to the propriety of striking off?

COUNSEL. Yes, sir; any particular evidence?

A. No; but they did as to the propriety of having taken off the names in a body.

121 Q. My question was this (if I remember right), did the board receive any evidence—listen to any witnesses as to the qualifications of any individual whose name had been or was proposed to be stricken off from the lists?—A. None that I heard or saw.

Q. Do you know how many names were stricken off by that board on any day when you were there?—A. Well, I had memoranda of the matter fully at that time; but I apprehend they are all destroyed.

Q. You don't now remember?—A. Yes, sir; I have a distinct recollection as to the sum total of the various days' proceedings.

Q. Well, that is what I want to know.—A. But I couldn't give you the exact figures.

Q. Well, about how many?—A. Well, one day there was some three hundred, and another day some five hundred. They were now 122 approaching the close of the term—I think about the close. I had my attention directed to it when I was present at the four last sittings, and the third day—oh, way up toward a thousand; possibly more; and the last, I guess, over that.

Q. The evidence is that there was twelve thousand stricken off by that board during its sessions. How many days did that board sit?—A. I think they sat for ten days. There was a question arose there as to whether they ought not to sit another day, as that they had not done any business on the day of its organization; but it was ruled there that they could not sit another day, because they had to close the proceedings ten days before election day, if I remember correctly; and that though their first day was not a sitting, they would be compelled to allow it to rest as they did.

123 Q. Isn't it the fact, that in striking off, by far the largest part of this twelve thousand names were stricken off the last two days of the session?

Mr. DONOVAN. We object to the question for the reason that it is leading to an intelligent gentleman who is here to state the facts to the best of his knowledge, and is stating the facts as he recollects them.

WITNESS. Isn't it the fact that the great majority of those twelve thousand names that were stricken off in that time was stricken off on those last two days?

COUNSEL. Yes, sir.

A. Well, I should say not, from my recollection.

Q. Well, state whether or not more were stricken off on the last day than on the first?—A. Oh, yes; that is a fact; yes, sir. On the last day was the heaviest day, if I remember correctly, altogether. I 124 was doubling up very fast each day that I came there.

Q. Mr. Dye, have you examined the practical workings of our registration law as applied to our city here?—A. I have been compelled to do so for the last three or four years—to look at it, and to look at it lately.

Q. State, Mr. Dye, whether or not, in your judgment as a lawyer, and from the information you have gained by this examination, the registration law as executed in this city does not operate as outrageously upon the voters of the city.—A. I would say no.

Q. It does not operate as a fraud?—A. No, sir; not necessarily at all.

Q. I don't mean necessarily; I mean the way the question states, the way that it is executed here, or was executed prior to the last election.—A. Well, I have to answer that question this way: That 125 in theory it is like many other things, it is all right, but when you come to involve it with the human elements its weaknesses become manifest.

Q. That is what I mean. My question was, how was it executed?—A. I will state further, in answer to that, that I think it is impossible that individual hardship will not result from the operation of the law. Further, that it is impossible to execute the law, in its proper spirit, by individuals granted by the law for its execution, within the time which the law provides it should be performed.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You are a Republican that takes a deep interest in the 126 success of the Republican ticket?—A. Yes, sir.

Q. And you are a member of the Union League that was taking a very active part in the late election?—A. No, sir; not in the late election. I took no part in this last canvass, not being a member of it, of the committee, except this one committee appointed by the Union League to go down and see how that work was carried on and report.

Q. But you were a member of the Union League?—A. Yes, sir.

Q. And that Union League took an active part in the canvass?—A. Yes, sir.

Q. As a committee from that body you visited the board of revision during its sessions three or four days and were treated by them with great respect, were you not?—A. Yes, sir; somewhat. I believe 127 some one member of the committee stated in my presence that he had been spoken to abruptly by one or two members of the board; but I observed nothing of the kind. I was treated with every consideration that I would expect under any circumstances.

Q. And without being a member of that board of revision, you were even permitted to make a motion, which was entertained by them?—A. No, sir; I made no motion; but I arose in the committee by permission and occupied a chair inside among the members; I rose and asked for information.

Q. You made a motion in regard to some name that had been stricken off, and the committee took action on the name.—A. Yes, sir; I didn't make a motion, understand me. I asked for information; what steps 128 I should take to bring the matter that I had before me before the committee; whereupon I was advised to report to the registrar of that ward.

Q. And that was the action taken by the committee?—A. Yes, sir; that is what I did, and what they did.

Q. Now, you have lived here for seven or eight years?—A. Yes, sir; seven years.

Q. And may be able to state whether or not the members composing the board of revision were not all prominent citizens?—A. I believe my acquaintance with the members of that board extended only to about seven or eight.

Q. And they were all citizens of the highest integrity, were they not?—A. Well, I could not answer that. I will say they were all men, so far as I knew them, who occupied positions of respectability, and commanded the respect of the business community, so far as I know.

129 Some of them I know to be men of very high social and rank.

Q. The board was composed of both Democrats and Republ A. It was reported to me by members of the committees, th twenty-eight there was seven Republicans.

Q. You don't know how many Republicans and how ma crats ?—A. No, sir; that is only hearsay with me.

Q. Well, the action taken in regard to the names was taken whole committee in the manner in which you have detailed ?— state it again ; these reports were made ; no vote would be ta the secretary would announce the footing of each report, a would make a calculation of the whole twenty-eight footings, an announce the aggregate ; whereupon, generally, they would

But there would be no vote taken upon anything.

130 Q. But these seven or eight Republicans that you spe not oppose this mode of procedure ?—A.. No, sir ; not o my knowledge.

Q. As a matter of fact, you being a lawyer, Mr. Dye, I will whether it would be possible, where there was twelve thousan to be stricken from the list, for death, or removal, or othe whether it would be possible for a board, sitting as a board, to witnesses regarding each particular case during the time a for their sittings ?—A. Not if they sat only an hour, as they d case.

Q. Nor even if they sat all day would it be possible ?—A. think not, from my knowledge of taking testimony.

Q. Do you know whether or not this city did not at that ti an official organ in which it was required that the 131 each man stricken from the list should be published ?— by inference ; I never looked at the laws to see wheth required.

Q. But you know that the names were published in the offic of the city ?—A. I know that during the period that I was the action of this board there would appear in the Saint Louis Ti purported to be a statement of the action of the board. I b two days previous, not the previous day, I think I noticed—

Q. It was in that same paper that all of the official not all the council proceedings, were published ?—A. Well, I could as to that, but my impression is that that is the fact. But I w further, that that paper, if I remember correctly, was toward ter part of the sittings of this board more than two days be action of the board.

132 Q. But the names were published there ?—A. But tl were published there.

Q. Did you examine those lists to ascertain whether those pe Republicans or Democrats ?—A. No, sir.

Q. You don't know ?—A. No, sir.

Q. So then it would be impossible for you to state who was this board ; whether Democrats or Republicans ; you couldn't A. Oh, no ; of course not.

Q. That is, if anybody was hurt at all by the action of the A. Yes, sir; I know there were individual cases.

Q. Some Democrats and some Republicans ?—A. Democrats, say only ; Republicans, quite a number came to me during the of the board, and complained of having been stricken from the list, and in every case where I saw that there had been

133 committed or a wrong done I had the name reinstated by presenting the individual, with one or two witnesses, who would state to the member of the registration board from the ward in which he lived that he had been wrongfully stricken off, and give his statement as to his right to be placed on the list; but the great body of the work was done during the last three days, and by the time this would appear in the public prints and the public got notice then the time for reinstating had transpired—had lapsed. That constituted a great hardship, and necessarily a great wrong.

Q. On all classes of people?—A. Yes, sir.

Q. Of all politics?—A. Yes, sir. And let me say, further, that I think I discovered what at least I regarded at the time as an intention on the part of certain members of the board to withhold their action, their reports to the committee, until such time as it would be impossible for the public to get notice of their action, but before the adjournment of the board.

134 Q. That was simply a general impression?—A. That was my individual impression, that I got there by overhearing a private conversation between two members of the board.

Q. But of your own knowledge you don't know how many Democrats, or how many Republicans, were injured by any action of that board?—A. I do not; no, sir.

Q. During times of political agitation men that take an active interest in politics are very likely to be suspicious of one another, are they not?—A. Yes, sir; in general, I apprehend; yes, sir. I wouldn't say it applied to myself.

135 Re-examination by Mr. METCALFE:

Q. You stated on your cross-examination that you got an impression that there was an effort on the part of some members of the board to withhold the publication of their names until after the sessions of the board had closed, and that you stated that you got that impression from a conversation that you overheard between two members of the board. Will you state who those members were?—A. One of them I don't know; I haven't his face in my mind.

Q. Can you state whether you know those parties to be Democrats or Republicans?—A. I don't know. My impression is that they 136 were both Democrats. I know one was; that was Mr. Mellier; he was one, from the tenth ward.

Q. State whether or not your impression as formed from that conversation was that they were desirous of preventing colored men, or rather Republicans, from being acquainted with the fact that they were stricken off.

Mr. DONOVAN. We object to that question on the ground that it is leading, and, further, that Mr. Dye is wholly able to speak for himself in regard to this matter, and requires no suggestion from counsel for the contestant; that he knows what he should say and what he should not say.

By Mr. METCALFE:

Q. What is your impression as to whom this delay of reports was designed to affect, if anybody? What impression did you receive in reference to this; what class of voters, if any?

(Mr. DONOVAN, counsel for the contestee, objects to the question for the reason that Mr. Dye should state facts, and not give his impressions.)

A. That is what I would prefer to do. I overheard a conversation

in the ante-room to the main hall in which the board sat, occurring between Mr. Mellier, of the tenth ward, and some other gentleman with whom I had no acquaintance, but I think he was a member of the board very certainly was. This occurred after the board had adjourned, and I think it was on the first day of my attendance there. These two gentlemen and myself and a couple of others, possibly more, passed into the ante-room, and the conversation was being had between these two members of the board about the number of names that had been reported at that sitting by the various members of the board, and they made

some remarks indicating that they thought the business was being coming lively. Such remarks as these passed between them

Whereupon Mr. Mellier remarked to his friend, in a rather under tone, and, as I thought, in an insinuating manner—made this observation in effect: “Wait till you see the list that I have got ready to report, and your eyes will open,” or “you will be amazed,” or “you will be surprised;” stating very directly that he had a list ready to report It didn’t come that day. I watched him the next day; it didn’t come that is, nothing particularly surprising. The third day he came in—that is, next to the last day—with quite a list, either the third or the fourth day, either of which would have been too late for the public to get notice of the action of the board through the public prints; then he brought in

what we all recognized when it was brought in as a very surprising report, running way up in the hundreds. Those are the facts, gentlemen; and from that I inferred, and from watching him all the rest of the time, what his report would be. I inferred that it was the intention of his party not to bring in this report until too late in the sittings of the board to give the public a chance to see who had been stricken off.

By Mr. METCALFE:

Q. Then you say that Mr. Mellier, to your knowledge, is a Democrat
—A. I did not say that; I don’t know.

Q. What is your best impression; what is he reputed to be?—A. His general reputation in politics is that he is Democrat.

Q. Of which you don’t know personally, yourself?—A. No, sir.

By Mr. DONOVAN:

Q. Mr. Mellier resides in the second Congressional district, does he not?—A. I do not know.

140 Q. He was a member from the Tenth ward?—A. Yes, sir.

Q. Don’t you know that the Tenth ward is the Rosenblatt, or rather, Thomas Allen district, the second Congressional district of Missouri?—A. Well, my impression is that it was; my impression is that he was from the Tenth ward; that he represented in that committee the Tenth ward.

Q. Mr. Mellier is an old resident of the city, is he not?—A. Yes, sir.

Q. A man of large business interests here?—A. Yes, sir.

Q. Living in an elegant house in the most fashionable quarter of the city?—A. Yes, sir.

Q. And has the confidence of our business community?—A. Yes, sir; I think so; I never heard him questioned.

Q. And is now engaged as a member of the committee of safety in endeavoring to reform the irregularities in politics in the city?—A. I don’t know as to that.

Q. Do you know whether or not he is not a prominent member of the present committee of seventy?—A. I do not know that he is; I have never noticed the names of the committee of seventy.

By Mr. METCALFE :

Q. Mr. Dye, you don't know whether or not Mr. Mellier personally investigated as to each and every one of the names which he reported on this last day of the session that you speak of?—A. No, sir; I don't know that that matter was disposed of there as to individual investigation. During my presence the position was taken by Mr. Skinker, of the committee, that it was his official duty to have personal information touching the facts upon which a name was stricken from the 142 list. He stated that he had visited every member, every person who was upon the registration list, to verify its correctness; and where it was not correct, where he had personal knowledge of its incorrectness, he made his report in conformity therewith. He tried to insist on it in the board that the board had no right to strike off a name unless the registrar had; that is, the reviser had personal knowledge of the facts. Whereupon it was stated by various members of the committee, and I think Mr. Mellier was among their number, and very judiciously, too, stated, that it was an utter physical impossibility; that he not only could not do it himself, but that he had to employ quite a number of men; this was stated, I won't say by Mr. Mellier directly, but by 143 others, and concurred in by him; stated in his presence and concurred in by him; that it was a physical impossibility for the registrar to visit these persons individually and become personally cognizant of the facts of each; that to so construe the law would render it entirely inoperative. I heard it stated by various members of the committee that they did not make the canvass themselves, but visited the ward by their clerks, and others; by their sons, and others; by men that they had employed, &c. That is what I heard there.

Signature waived.

At this point a recess was taken until 2 o'clock this afternoon. At which time all parties in interest being duly assembled and announcing themselves ready to proceed, the following proceedings 144 were then had, and the succeeding testimony elicited.

FORD SMITH, of lawful age, being then produced by the attorneys for the contestant, sworn by the notary, and examined on his oath, deposes and saith as follows, to wit:

By Mr. METCALFE :

Question. State your name, if you please; your full name.—Answer. Ford Smith.

Q. What is your business?—A. I am an attorney at law.

Q. How long have you been practicing?—A. Twelve years.

Q. State whether or not you are a Republican or a Democrat.—A. I am a Republican.

Q. State whether or not, previous to the election held last November, you attended any meetings of the board of revision at the city hall.—A. I did.

Q. How many of them did you attend?—A. I attended all but two; the board held nine meetings, and I attended seven.

Q. State whether or not the two that you did not attend were among the first or last of the meetings of that board.—A. I attended all but the first and fourth.

Q. Will you state, Mr. Smith, how long the sessions of that board generally were.—A. Generally under an hour; about an hour, and under an hour.

Q. Were they ever more than an hour—longer than an hour?—
146 A. I think not; possibly the last one may have been.

Q. Please state, Mr. Smith, as succinctly as you can, the mode of procedure as you observed it from those meetings that you attended.—
A. Well, the mode of procedure was that the board would meet—

(Mr. Donovan, counsel for the contestee, objects to the question, for the reason that this mode of procedure has been explained by the recorder of voters, Mr. Gonter, by Senator Jewett, and by B. H. Dye, and we are now perfectly familiar with it. Counsel for the contestee does not regard that this witness can give us any further information than that already given; that it is a simple waste of time to ask any further questions to that purport of this witness.)

WITNESS. On the first day that I attended (which was the second day that the board met; the first day the board met simply for organization, as I understand, and on the second day was the first day for working) Mr. Gonter, who was the recorder of voters for the city, and who was secretary of the board, came to Mr. Price, reviser from the eighteenth ward, at whose side I was sitting, and handed him a slip of paper, telling Price, "Here is a resolution I wish you would introduce." Mr. Gonter went back, took his chair as secretary, and Mr. Price arose, and addressing the chair, said that there was in his hand a resolution he would like to introduce; he passed it up to the secretary, who read it. The substance of it was that whenever a member of the board should hand in a list of names with the words "dead," "not found," "removed," "left the city" marked opposite the names 148 that they should be stricken off. The resolution was published in the paper the next day; that is a substance of it. That resolution was passed which Mr. Price introduced; but after it was read, and before a vote on it was taken, Mr. Rosenblatt, who was a candidate for Congress in the second district, stepped up to Mr. Price and said, "Why, Price, that is illegal; you can't strike off names that way," but that didn't appear to make much impression. The resolution was adopted. After that, and on that day, too, the secretary would call the wards by the number of the ward, first ward, second ward, and so on, and as he called the ward the reviser for that ward would pass up his list of names. The names were not read out. Sometimes the reviser, 149 as he passed up his list, would give the number that he had stricken off, but very seldom; it was only when the numbers of those stricken off were light that they were given. Three or four days after the names were handed in by the revisers they would be published in the Times—Saint Louis Times; but the number of those stricken off increased toward the last meeting. In some of the wards the number stricken off on the last day equaled fully the number stricken off on any two previous days. Of course there was no time after the last day to correct any errors.

Q. Will you state, as a matter of fact, whether, during that time, any testimony was brought before the board, or any evidence adduced before the board, in reference to the names which had been stricken off, whether they heard testimony in reference to these matters?—A. They heard no testimony whatever in reference to anything.

Q. Then, as I understand you, the report of each reviser was taken as the report of the board of revision?—A. That is the way it was done. It was taken as the report of the board of revision; and what was contained in that report no one knew, with the exception of the reviser and the secretary, if he chose to read it off. At each meeting the minutes of

the preceding meeting were read; but when they reached the names stricken off on the previous day, as the secretary, as I have said, would arrive at that point and would be about to read these names, some member of the board would move that the number of names 151 stricken off on the day previous should be omitted. That was carried.

Q. So that the names of those who were stricken off were not even read to the board as a board of revision?—A. No, sir; they were not read.

Q. Will you state whether you know anything in reference to whether members of the board made inquiries personally of the parties whom they reported to be stricken off; state if you know anything about that or not; if so, tell it.—A. At one time a member of the revisers—of the board of revisers—arose to reinstate some three or four names which he had erroneously stricken off, and some one asked him if the names were stricken off by him. The question was, "I would like to ask if the reviser struck these names off himself." He hesitated a minute, and said, "My assistant did." When that took place there was a general cry all over the house, seemingly every member of the 152 board, "That is the same thing; that is the same thing." And the reviser said, "No; I don't know that it is. I haven't any personal knowledge in regard to these parties. I have not personally examined them. I have it only from the report of my assistant made at that time." I will state that it was impossible to find out whether a man's name was stricken off until three or four days after it had been done. The only way to get at it was to read the Saint Louis Times, and they were never published there until three or four days after the striking off.

Q. Mr. Smith, will you please state whether or not you are familiar with the laws and practice in reference to the registration of voters.—A. I think I am.

Q. It is in testimony here, Mr. Smith, that twelve thousand 153 names were stricken off by the board of revision previous to the election held last November 2, 1880. Will you state whether or not, from your knowledge of the law governing that board of revision, and the practice incidental thereto, whether or not it is a matter of possibility for them to ascertain, within the ten days allowed them, correctly in reference to every name of those twelve thousand names that were thus stricken off.

(Mr. Donovan, counsel for the contestee, objects to the question as calling for an opinion.)

Mr. METCALFE. I am calling for an opinion.

WITNESS. It is an utter impossibility for them to follow the law and strike off the half of that number of names in that time.

By Mr. METCALFE:

Q. State whether or not it is your opinion that the practical working of the law of registration, as it existed at that time, and as it 154 exists now, is not calculated to do great fraud and injury towards a large class of voters in this city.—A. Most assuredly it is.

Q. Will you state why?—A. For the reason that the name of a party would be stricken off by the revisers, and unless he happened to read the Saint Louis Times, which at that time I don't suppose had twelve thousand subscribers; unless he happened to read that paper he would have no notice that his name was stricken off, unless some one told him, and no effort was made as a general thing to do that. The revisers in

a great many instances, from what they told me, adopted this course; they would go to a neighborhood and make inquiries of some one who was well acquainted with neighborhood, with the poll-lists, 155 and find if the parties lived at the place where they were registered; well, they would be told they didn't live there, by the parties whom they asked, and on the strength of that would strike their names off. I know an instance where a man's name was struck off because he had moved one door west; he was registered at 2920, and he lived at 2922. He was stricken off on that ground.

Q. Mr. Smith, do you know what the politics of the board of revision were; were they Democratic or Republican?—A. It was almost totally Democratic. There were only two that I know to be Republicans on the entire board, and there were a great many whom I knew to be Democrats.

156 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You state there were only two that you knew to be Republicans, but may there not have been more Republicans on the board?—A. There were two, or perhaps three more, but not to exceed that.

Q. Mr. Dye, who has just left the stand, stated that there were seven or eight Republicans on the board. Do you think he was correct?—A. I am not responsible for his testimony, but I don't think there was.

Q. But you simply state that you knew only—the politics only, of two of the gentlemen that were Republicans, and that there may be two more?—A. There may be two more that I would call Republicans. But these others I knew personally, were Democrats. Many men I knew not by name, and not personally, but knew them as Democrats, and as active Democrats, and have known them for years, composed nearly the entire board.

Q. They were prominent men?—A. More or less prominent in certain walks of life.

Q. And the only individual instance which you speak of, was that of some party that you knew that lived at 2920 on some street, and who had moved to 2922 on the same street; that his name was stricken off. Was it or was it not the duty of the reviser there to report to the board that the party didn't live at 2920?—A. It was the duty of the reviser, if the party lived in the same voting precinct, to correct the registration as it was in that case.

Q. That particular reviser would report that that gentleman did not live at 2920, that was his duty, was it not?—A. His duty was to report that he lived at 2922.

158 Q. But if he did not know the fact?—A. If the voter lived in the precinct from which he was registered it was the duty of the reviser to correct the registration; if he was registered at the wrong number or on the wrong street, if within the precinct.

Q. He received the name of the voter as residing at a certain house in the district, and he went there to ascertain if he was not in that house. Do you think it was his duty to chase that man all through the city to find out where he had removed to?—A. It was his duty to find out something about that man, or to let him alone. He is required and sworn to strike off only the names, upon his personal knowledge, of those who are not registered there, or upon testimony produced 159 before the board was proved not to be properly registered in that precinct.

Q. In a large city like Saint Louis people remove from one precinct

to another during the course of the year, or between times of registration, do they not?—A. Oh! yes.

Q. And remove probably in great numbers?—A. Yes; no doubt of that.

Q. In the performance of their duty the board adopted general rules, such as you have stated?—A. They adopted that resolution that I stated.

Q. That where the reviser made a report, and it appeared that the party was dead, removed, or left the city, why the change should be made in the registration list?—A. Certainly.

Q. That resolution was passed by what vote—unanimous vote, was it not?—A. Well, I don't recollect distinctly. I don't think it 160 was unanimous, but I think it was very nearly unanimous; two or three objected. I will state after it was passed Mr. Skinker, a member of the board, objected to approving the minutes of the previous meeting at one time. It was on the—my recollection is it was on the eighteenth or the sixteenth; anyhow it was on Saturday. I didn't attend the meeting of the board on the eighteenth. Mr. Skinker objected to approving the minutes of the meeting of the sixteenth on the ground that those names were illegally stricken off; that that resolution which had been adopted was illegal and outside of the law, and he didn't for one, he said, care to take the liability. He thought the board had liability enough even where they followed the law.

Q. That he thought they ought to take testimony?—A. He 161 thought they ought to follow the law, he said, and take testimony.

Q. He believed in taking the testimony before the board?—A. Yes, sir.

Q. That was his objection?—A. That was the way I understood it.

Q. It was, I presume, that the reviser before he reported should have acquainted himself in regard to the facts concerning which he reported?—A. It might be so. What the presumptions about it were I know nothing about; but a man who knew anything about it wouldn't have any such presumptions.

Q. Each reviser attended to that particular duty in his own ward, and then made his report?—A. No; that is not a fair statement of it.

Q. Did he attend to any other reviser's ward?—A. No; but each reviser, or a great many of the revisers, reported lists which were 162 handed in to them by some messenger, or runner, or agent, and others, in many instances, after the session of the board was half over. Frequently when the list would be called for, when the number of the ward would be called, the reviser would say, "I expect my list in shortly;" and it would in some instances come in and be handed in to him, and by him passed up to the secretary; and in some instances it would be taken directly to the secretary by the messenger.

Q. A certain duty had to be performed since it was thrust upon them by the mayor, and they sought to perform that duty?—A. I can't say that they sought to perform their duty. They sought to strike off names, but I can't say that a man sought to perform his duty when he went directly contrary to the law defining that duty.

Q. According to your understanding?—A. There is no room for any misconstruction of that law; it is perfectly plain.

Q. According to your understanding?—A. According to the understanding of any one that will read the law, there is nothing indefinite about it; there is no room for misconstruction.

Q. But you think in that respect, or with that qualification, they endeavored to perform their duty?—A. Well, I think some of them did.

Q. When Rosenblatt, in the second Congressional district, made his objection, by what vote was his objection passed upon; by anybody?—
A. He didn't make the objection to the board; he simply made that objection to Mr. Price to introducing the resolution which had been given to him by Gonter.

Q. But they took a vote upon it?—A. They took a vote upon the resolution.

Q. And it was passed either unanimously, or almost unanimously?—
A. Almost unanimously.

Q. All the members, Democrats and Republicans, voted on it?—
A. I think the opposing vote was the Republican strength in that board.

Q. Can you say that when you don't know who were the Republicans in that board?—A. That was my idea at the time.

Q. When you don't know who the Republicans of the board were, how can you state that as the fact?—A. I give that as an impression not as a fact; I state that only as an impression.

Q. Now when the names were not read in the board, of course they could have no knowledge as to whether they were Republicans or Democrats?—A. Well, no; that is pretty self-evident that the board didn't know anything about the names.

Q. So that the board acted under general rules, and in their capacity as a board were not prejudiced either towards the Republican party or the Democratic party?—A. Well, there appeared to be a feeling that in the thickly populated wards the members of the board would do what they were placed there to do—

(Question read by the notary.)

A. From the mere striking off of the names you can't tell whether the board was prejudiced towards the Republican party or the Democratic party, but it is in the composition of the board, and the men who constituted the board, and the work that such men could be relied upon to do, that you can tell whether the board was prejudiced against one party or the other; and the manner of their striking the names off is no proof one way or another in that respect.

Q. Do you know to what extent the Republican revisers acted illegally in striking off the names?—A. Every name they struck off was illegally stricken off.

Q. So you think it holds good for both Republicans and Democrats?—A. Every name that was stricken off by that board was illegally stricken off.

Q. No matter whether the man lived over in the State of Illinois, or in Ohio, or in Indiana?—A. I don't care where he lived, they had no right to strike his name off in the manner they did.

Q. No matter whether he was dead?—A. No, sir; unless they had personal knowledge of it, by taking testimony; they had no right to strike any name off unless they did so take testimony.

Q. Well, the whole board voted time and again not to listen to the reading of these reports?—A. The board were unanimous in that, that it was unnecessary work, inasmuch as they didn't propose to take testimony on the names, but would take the report of the reviser in each particular ward?—A. Well, I don't know whether the board was unanimous on that or not; I can't recollect about that; that motion to dispense with the reading of names was carried every day, but by what vote it was carried—it was carried by a large vote; I think at one time Mr. Kortjohn and Mr. Stamm objected to it pretty vigorously, but as they were Republicans, very unsuccessfully.

Q. But did they not, all of them, Republicans as well as Democrats, see that it was impossible to take testimony regarding twelve thousand names in the time allotted to them ?—A. Oh, I presume they did, but that board, as I understand it, was appointed not for the purpose of striking off twelve thousand names, but for the purpose of taking testimony and striking off names that were improperly registered ; that is the theory of the law, I believe.

168 Q. Their duty was simply to revise the registration list in the manner pointed out by the law ; and in case it was their duty to change the names of twelve thousand voters, it would be impossible, in the time allotted to them by the law, to take testimony in regard to that number of people ?—A. Well, then, if it were impossible for them to take testimony in regard to twelve thousand people, it could not possibly be their duty to strike off twelve thousand names.

Q. No matter whether the whole twelve thousand were dead ?—A. I don't care whether the twelve thousand were—

169 Q. Dead or alive ?—A. They had no right to strike anybody's name off without knowing something about it.

Q. And could not take the reports of the revisers ?—A. Well, they did ; legally they couldn't.

Q. But now you are just speaking of your construction of the law ?—A. No, sir ; I am speaking of the plain language of the act ; not of my construction of the act.

Q. Do you not think it would better appear if the act itself were to be placed in the testimony ?—A. If I was attorney for the contestant, I might express an opinion on that ; but as I am not running this case, it is immaterial to me whether that act goes in the testimony or not.

Q. But you have a positive opinion on the act ?—A. I have a positive knowledge of the act.

Q. And a positive opinion on it ?—A. Yes, sir ; and a positive opinion on it.

170 Q. These names, thus acted on by the board of revision, were printed in the official organ of the city, were they not ?—A. They were, some four days after the law required them to be.

Q. You are again giving your opinion on another law, are you not ? A. No.

Q. Or on an ordinance ?—A. It is a mathematical proposition, that if you subtract twenty-four hours from five days there will be four days left ; where the law requires—

Q. Mr. Dye, who was on the witness stand just previous to you, stated that he noted this matter, and sometimes names were printed two days afterwards ; was he correct, or not ?—A. Well, there might possibly have been isolated instances of that kind.

171 Q. He was a member of the Union League, and one of a committee appointed to perform that particular duty of attending to this board of revision and noting their action ; do you think he posted himself in regard to the matter, it being his duty to do so ?—A. Mr. Dye is a very conscientious man, but I couldn't say whether he posted himself in regard to this matter or not.

Q. It is likely that he did, having assumed the duty ?—A. Well, that is an argument on probabilities, about which I have no opinion.

Q. Do you know who appointed the board of revisers ?—A. Mayor Overstoltz, I believe.

Q. Were you personally acquainted with many members of the board ?—A. Well, I was personally acquainted with several of them, not all ; I knew others that I was not acquainted with ; knew them

172 by reputation, knew them by sight, I believe; and other I didn't know, I knew by reputation, and yet as to th I didn't know them, but I recognized them as men I had see as active Democrats.

Q. And how as citizens, prominent or otherwise, and how as men, leading or otherwise, in this city?—A. There are one or I suppose would be called prominent citizens and prominent men; with the exception of those—perhaps three or four—with exception of those, I don't think any of them had any special pro as citizens, I mean.

Q. Can you name any members of the board of revision?—sir.

Q. You can't do it?—A. Well, I remember Mr. Franciscus read his name in that connection lately.

173 Q. Is that the only member of the board of revision can recollect now?—A. No. Mr. Skinker.

Q. Is that all?—A. Cleary, Switzer, Parker, Gilkeson, Mellie Blossom, Springmeyer, and Sharkey. Those are all I can now.

Q. Don't you recognize most of the names you have ment men of great prominence in this community and deserving of fidence of the community?—A. Yes, sir; all the names are i prominence in this community. Some of the names are names deserving of confidence, some of the names are the names of th of prominence and deserving of confidence, and some are not.

Q. In your judgment?—A. Yes, sir; I supposed that was were asking me about.

174 Q. Were you a member of the Union League?—A. N

Q. Who appointed you as a committee to go up and sit board of revision?—A. Well, I haven't testified yet that I was a I believe that I went up there at the request of the central Re citizens' committee. The request came to me through a me that committee from my ward, the Eighteenth.

Q. Were you a member of any of these political committees was not.

Q. Let me ask you, as a matter of information, Mr. Smith, you were engaged for compensation to do that work?—A. N was not. I was requested to do it; the compensation never to me and I was not employed. I was asked to go there and it, as I understood it. Mr. Rogers, the central commi

175 thought it was a matter that he ought to attend to, a couldn't attend to it himself he asked me to attend to it

Q. Well, you did it out of the warm interest that you too success of the Republican party?—A. Yes, sir; I did it at the of the central committeeman. I was acting, as I thought, fo this matter.

Q. Your sole motive was the warm interest that you felt in cess of the Republican ticket in the city?—A. Well, yes, sir; I you can look at it in that way.

Q. You took interest sufficient for seven days to be present sessions?—A. Yes, sir.

Signature waived.

176 SEYMOUR W. BRADLEY, of lawful age, being then by the attorneys for the contestant, sworn by the notary amined on his oath, deposeth and saith as follows, to wit:

By Mr. METCALFE:

Question. What is your full name, please?—Answer. Seymour W. Bradley.

Q. Where do you live?—A. 919 North Eighth.

Q. In the third Congressional district?—A. I believe it is. I am ignorant on that point.

Q. State whether or not you were at polling precinct forty-
177 nine, on election day, in November last?—A. Well, I was there.

Q. State whether or not you acted in any capacity there.—A. I was clerk of election.

Q. Mr. Bradley, will you state what occurred in the evening at the counting of the votes cast that day?—A. Well, along about closing time there was one other clerk opposite to me who was pretty "full;" that is from the indications, and he was rather obstinate in trying to settle the matter in a way not desired by the judges, and others interested in that poll.

Q. Settle what matter?—A. Well, the counting. He wanted, in the first place there was some representatives there—one or two from the Workingmen's party, and another from the Greenback party, and people who wanted to be represented there on the ground. Well, as
178 we had done all day we made an hourly statement of the vote, and the votes were counted every hour and posted on the outside for the public observation, I suppose for the benefit of the crowd outside; it was so understood, I believe, and it was so accepted until that time, so that they could decide the vote by that way.

Q. Up to that time, you say?—A. Up to that time.

Q. By the aggregate count during the whole day?—A. By the aggregate count during the whole day. When these parties came in, these men, this clerk he objected to having them represented because it would necessitate a good deal of trouble to count the votes over again; he was not willing to sit there all night, as he said, and count those votes again; he was not willing that the judges should go through and count the ballots again, and give these men a report
179 and let them see the vote counted, so that they could have a fair understanding, and so that no one would be dissatisfied. I suppose you know the man's name?

Mr. METCALFE. I don't know anything. I want to know everything. I am not supposed to know anything in this case.

WITNESS. It was Byrne. He was the opposite clerk to me, and he objected to it and said he wouldn't have anything more to do with it, and went out at the time; he said it could "Go to hell," and passed out; and one of the judges tried to bring him back, and tried to reason with him inside, saying that it was no more than fair to give everybody a chance, but he wouldn't have anything to do with it; so Mr. Officer Mayer, the policeman there, he goes in there, and you know he was waiting for his report; they said he was entitled to one. I don't
180 know anything about that, that was not my business. I didn't go into that business; it was the first time I had been in that business; and this officer he took and counted the votes. We consented to his counting the votes; at least we all commenced from the beginning again, counted them over and made a new statement of it. Mr. Mayer, he undertook to help count them, and did count them until the end; then filed them, when they were counted, and he helped us to make the total.

Q. State whether or not he handled the ballots.—A. He handled

them, he threaded them, filed them on a string in the order that we counted them, and handled them in the box.

Q. State whether he helped count.—A. He did help count them.

Q. State how many judges were present at that time.

181 WITNESS. At the time of what?

COUNSEL. At the counting of those votes—of this last count?

A. They were all there.

Q. How many of them?—A. Two.

Q. Only two judges present then?—A. Well, that I wouldn't say positively, whether there was two or three, there was two there, but I won't say positively whether two, or three, or two.

Q. You stated, I believe, that the clerk was pretty "full;" what do you mean by that; do you mean he was drunk?—A. Yes, sir.

Q. State whether any of the judges was in that condition, as observed by you at that time?—A. So far as I could judge one of them was; but he was not so far gone but what he knew what he was doing; 182 he was disposed to do what was right and just there, but this other man—

Q. State whether or not he took any part in the count or whether he sat by and watched it?

WITNESS. You mean the judge?

COUNSEL. The judge that was somewhat under the influence of liquor; state whether he took any part in the counting as it occurred, or simply sat there and watched it?—A. He did. He was instrumental in making up the last count.

Q. Well, you state that this police officer, Mr. Mayer—is that his name?—A. Yes, sir.

Q. Helped in that count?—A. Yes, sir.

Q. State whether or not the count as made by them, and in which this police officer took part, was accepted as the official count and was returned as the official count?—A. It was.

Q. Mr. Bradley, do you know of a man, a colored man, by the 183 name of Thomas Williams, trying to vote at your polls on election day—Thomas Williams?—A. Well, I know there was—yes, sir.

Q. State whether or not his vote was taken and counted by the judges.—A. It was taken under protest by the commissioner. Is it commissioner or what?

COUNSEL. You mean supervisor?

WITNESS. Supervisor, yes, sir. By the supervisor under protest.

Q. And was not counted?—A. No, sir; it was not counted.

Q. Mr. Bradley, where did you live at the time of the election?—A. I lived at 823 Biddle street.

Q. You lived at 823 Biddle street at the time of the election?—A. I lived at 823 Biddle street at the time of the election.

184 Q. Will you state who else lived at that place at the time of the election, besides yourself, if anybody?—A. Well, there was a colored man living in the rear, by the name of Williams.

Q. What is his first name?—A. That I couldn't tell you. I don't know his first name.

Q. What other man?—A. Another man by the name of Biddle, I think his name was. Ephraim Biddle, a white man; the other man was colored.

Q. Were there only two men that lived at your house on that day?—A. They were the only two men living at that number.

Q. Will you state whether Thomas Knaibe lived at 823 Biddle on the day of election?—A. No, sir.

Q. How long did you live there, Mr. Bradley?—A. I had lived there just about three months and a half.

185 Q. He did not live there during the time that you lived there?—A. No, sir.

Q. Will you state whether Thomas Mackey lived at 823 Biddle at the time of the election.—A. No, sir; he did not.

Q. Will you state whether you know if those parties voted on that day?—A. Well, I know of one.

Q. Do you remember which one of these it was, if either of these?—A. Well, his first name was Thomas; I couldn't tell you—

Q. You don't know whether it was Knaibe or Thomas Mackey?—A. No, sir; but I know he was voting from my number, but didn't live there.

Q. Do you know for whom he voted, Mr. Bradley—I mean as between Mr. Sessinghaus and Mr. Frost?—A. Well, he voted for Frost.

186 Q. Who brought him there to vote; if you know, state who brought him there to vote if you can call it to mind.—A. A man by the name of Brogan.

Q. Do you know what his politics are?—A. Democratic.

Q. Do you know how this man Thomas, whose last name you can't remember, but who you say voted from the house 823 Biddle street—do you know how he voted? What information induces you to believe that he voted for Mr. Frost?—A. Well, judging from the politics of the other man.

Q. The other man who brought him?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to all this testimony as being of the most indefinite possible character; and as being a mere suspicion of this gentleman. He doesn't know the last name of the man or who he voted for, but merely judges how he voted by somebody else who accompanied him to the polls.

Mr. Metcalfe, counsel for the contestant, has no objection to the counsel for contestee making legal objections to any evidence that may be adduced in the course of this examination, but counsel for the contestant does not think it is proper that the counsel for the contestee should introduce speeches and arguments in reference to the validity, or the effect of testimony which we may introduce here. This witness has testified to facts which we are well able to prove, and which we shall prove. But we do not think that the objection made by the counsel for the contestee can be considered as a legal objection to this witness's

188 testimony. As far as the testimony goes it is competent and proper.)

By Mr. METCALFE:

Q. Mr. Bradley, will you state whether or not in the counting of these ballots, which you have described upon that evening, was there or not considerable confusion?—A. Yes, sir; there was a good deal, yes, sir.

Q. State whether or not there were a number of parties within the polls there assembled, standing around while they were counting the ballots.—A. Well, there was only one or two parties there, but they had no business that I know of.

Q. But wasn't there a great deal of confusion there?—A. Very much so.

(Mr. Donovan, counsel for the contestee, objects to this witness's conclusion, but has no objection to his stating the facts.)

WITNESS. Very much so. If the officer, Mayer, had not drawed

189 his revolver on this man Byrnes to keep him quiet, to keep him from disturbing the count, there would have been a great deal more.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mayer wished to see a proper count made of the ballots cast at that poll?—A. I think he did.

Q. And he insisted on a proper count—that a proper count should be made?—A. That was the way that he stated it.

Q. And he saw that it was done?—A. Well, he tried to; he endeavored to do so.

Q. Was Byrnes a Democrat or Republican?—A. Well, I can't swear positively as to that, but he was said to be a Democrat; I am not personally acquainted with him.

190 Q. What are your politics, Mr. Bradley?—A. Me, sir? I am a Republican.

Q. So a Democratic clerk left before the final count was made, as you, as a Republican clerk?

WITNESS. (Interrupting.) Yes, sir; me and the judges, and the rest of us.

Q. You believe you made a proper return from the poll.—A. I do, sir; so far as I am able to judge.

Q. And all that Byrnes was insisting upon was that there was no necessity of going over the count that had been made each hour during the day, but that simply the last ballots cast since the previous report should be counted?—A. He wished to have the count summed up from the hourly count to get at it and settle the matter in that sort of way in as short a time as possible.

191 Q. Probably the hourly count was correct.—A. That I can say, because I didn't pay much attention to it; I attended only to the registration; so far as I was concerned I had no business with that.

Q. Well, you, as Republican clerk at that poll, endeavored to perform your duty faithfully?—A. Yes, sir.

Q. And you think you succeeded in doing it?—A. I do, so far as was concerned.

Q. And you believe that every ballot that went into the box was counted and returned in the official report?—A. It was counted, but whether it was returned or not I can't say.

Q. Well, the books in that respect will speak for themselves. Did you see the report made out?—A. Yes, sir.

192 Q. Did you agree with the report that was made out?—A. Yes, sir; the report and my account agreed exactly.

Q. And you signed the return?—A. Yes, sir; I signed it.

Q. And you believed it to be correct?—A. As far as I was concerned, then, at the time, I thought it was correct; I don't know what was done with it afterwards.

Q. That was a final report made in the case?—A. Yes, sir; that is so far as I know.

Q. You believe this policeman was there in the interests of law and order?—A. Yes, sir.

Q. And you permitted his assistance simply to string the ballots as you counted them.—A. Yes, sir.

Q. He was in a hurry to get his report, which he had to make to the principal office?—A. Yes, sir.

193 Q. At the four courts?—A. Yes, sir.

Q. Do you think there was any judge there that was disposed to do ~~sought~~ but what was right?—A. No, sir; I do not.

Q. You think they were fair men?—A. I think so, so far as I am capable of judging.

Q. And good citizens?—A. Yes, sir.

Q. Now, you don't know the last name of some man that voted from No. 823 Biddle street?—A. Not being acquainted with the man, I don't know; but it was a long name; I know his first name was Thomas.

Q. You believe he voted a Democratic ballot?—A. Yes, sir; I am satisfied of that, because he made the remark after going out "That is all right for Frost;" I forgot that awhile ago, if you will excuse me for saying it now.

194 Q. But you don't know whether he voted for Frost or not?—A. I can't say; but judging from what he said—

Q. You didn't examine his ticket?—A. No, sir; I had no right to.

Q. And, therefore, couldn't state whether he voted for Frost or anybody else?—A. No, sir; not positively, only what he told me.

Q. You didn't see Mayer, the policeman, do anything wrong there?—No, sir.

Q. You don't believe he intended to do anything wrong?—A. Not so far as I know; I don't know that he did anything wrong.

Q. From anything that you saw you couldn't say that the man was disposed to do anything that was out of the way?—A. No, sir.

195 Q. He was just simply permitted to assist you there?—A. Yes, sir.

Q. Because the Democratic clerk left?—A. We were in a muddle, and he undertook to help us out; that was all there was to it.

Q. And assisted you in making up your totals?—A. Yes, sir.

Q. And you believed your totals to be correct?—A. I did; yes, sir.

Q. And you are a Republican?—A. Yes, with one exception; that man voting from my number—that ground me all the time.

Q. That is all that you can see during the course of the day to raise any question about?—A. Well, yes, sir; that was all.

Q. In the whole conduct of all parties at that poll, except what 196 you have stated?—A. Yes, sir; except the manner of settling up affairs at night was not systematic.

Q. But you believed it to be correct?—A. Well, it was as correct as we could get under the circumstances. I don't know, I couldn't swear positively whether it was in accordance with law or not, because I was not posted; but so far as my knowledge went I considered it to be correct; that is the only answer I can give to it, so far as I am concerned. I was green as a gourd at it, but I could write and read, and I had to do this work.

Q. And was there to see that it was honestly done?—A. Yes, sir.

Q. And the work was performed the best way you knew how to perform it?—A. Yes, sir.

197 By Mr. METCALFE:

Q. Mr. Bradley, do you know what the politics of those judges there was?—A. Well, I knew only one. I think his name was McGinniss; I believe that was his name; I believe he was a Democrat.

Q. Do you know the politics of the others?—A. No, sir; they was strangers to me.

Q. Did you take any part in the count of the ballots?—A. I took part in the count.

Q. Mr. Bradley, there might have been a mistake in the report without your knowledge, might there not?—A. I took part in the count this way, when the names were read off from the different counts entered them on a slip, that is, on a piece of foolscap paper, until they were through.

Q. There might have been a mistake made in the count 198 without your knowledge?—A. Yes, sir, without my knowledge.

Q. I don't ask you whether it was a fact or not, but there might have been a mistake made in the count without your knowledge?—A. That is something I can't answer.

Q. Mr. Bradley, the police officer might, without your knowledge, don't say that he did, mind you, but might he not—wasn't it a fact that he might have inserted a ticket without your knowledge and so repetitiously?—A. I don't think he could at that time, because I was sitting at the same table where he was; still he might have done it. I should think I would have seen him if he had done it.

Q. Mr. Bradley, if the official returns of votes for Mr. Frost and Mr. Sessinghaus and Mr. O'Connell number altogether one hundred and fifty, and the number of parties who voted as a matter of fact as returned by the judges was one hundred and fifty-five, wouldn't that show to your mind that there might have been a mistake made?—A. Well, it would show to me that their names were stricken off.

Q. You don't understand. The question is if the number of votes, returned by the judges and clerks for Mr. Sessinghaus, Mr. Frost and Mr. O'Connell was one hundred and fifty, and if there were marks opposite the names of one hundred and fifty-five voters the word "voted," you understand now?—A. Yes, sir.

Q. Wouldn't that show to your mind, if, according to the official poll books, one hundred and fifty-five people are marked as having voted, and the judges in their official count only make them one hundred and fifty votes, wouldn't that show to your mind that it is a case of—

(Mr. Donovan, counsel for the contestee, objects to the counsel the contestant endeavoring to make the witness a lecturer on speculative philosophy.)

A. Well, there was three of us that counted the votes, and they tallied all correct to the total, and we signed it accordingly; that was at the last hour. We closed the boxes and sent them to the four courts, rather city hall.

Q. You don't answer my question. My question is—

WITNESS. Well, sir; I can't understand your question.

Q. Let me ask you again. If the number of people who voted at the poll, as marked upon the books by the judges, show one hundred and fifty-five to have voted, and the number of votes turned by the judges of election for that precinct as having voted for Mr. Frost, Mr. O'Connell, and Mr. Sessinghaus only numbers one hundred and fifty votes, would or would it not show to your mind that there had been some mistake made in the computation of votes?—A. Why, most assuredly it would be a mistake.

Q. Then there might have been some mistake that you don't know of made in the counting of those votes?—A. There might have been a mistake; yes, sir.

By Mr. DONOVAN:

Q. There is a liability to mistakes in the count of every poll in the United States, is there not?—A. Why, most assuredly.

Signature waived.

202 Not being able to complete the taking of these depositions I do now adjourn the further taking of the same until to-morrow, Wednesday, February ninth, 1881, then to be continued at the same place at the hour of half past nine in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Missouri.

Term expires March 13, 1882.

No. 10.

1 Pursuant to adjournment, as above stated, on the 9th d February, 1881, at the hour of half past nine o'clock in the noon, I continued the taking of these depositions, as follows:

GEORGE WASHINGTON, produced, sworn, and examined on the of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. George Washin sir.

Q. Where do you live?—A. I live on Ninth street now.

Q. Whereabouts?—A. On Ninth, 1520, north.

Q. Where did you live on election day?—A. I lived on Twelfth st 1011 North Twelfth street.

Q. How long had you lived there before the election?

WITNESS. How long I was living there before the election?

COUNSEL. Yes; that is the question.

A. I was living there about a year and six months.

2 Q. How long have you lived in this city?—A. About nine years.

Q. How old are you?—A. Twenty-eight.

Q. Where were you born?—A. I was born at Charleston, S. C.; arrived here when I was a little boy.

Q. You are a colored man?—A. Yes, sir.

Q. Have you ever lived anywhere else?—A. No other town ex the State of Missouri.

Q. Did you register last fall?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to this witness testif in relation to his registration, on the ground that the record will b best evidence of that fact.)

By Mr. POLLARD:

Q. Did you register at the city hall?—A. Yes, sir.

3 Q. How long before the election?—A. Two weeks before election.

Q. Did you go to the polls to vote?—A. There was no use for n go to the poll to vote, because I was living on Twelfth street ther gave my name from there because my wife was dead and I was kee bachelor's house, and he scratched my name off; of course I d know it.

Q. You had been registered?—A. Yes, sir.

Q. And the revisers, as you understood, scratched your name the book so you couldn't vote?—A. Yes, sir.

Q. And so you didn't go to the polls because you knew your name was scratched off?—A. Yes, sir.

Q. How did you learn that?—A. A gentleman come by to leave with one of the other parties—a gentleman by the name of wood—that my name was scratched off; he was on the day of

4 Q. You are a Republican?—A. Yes, sir; I aint nothing but a Republican.

Q. You wanted to vote the Republican ticket?—A. Yes, sir.

Q. And would have voted it if your name had been on the list?

I always has voted it, sir; and expect to stay in it as long as I am living.

Q. You have lived in this city for nineteen years?—A. Yes, sir.

Q. And are twenty-eight years old?—A. And I am twenty-eight years old.

Q. And had been living at that place for eighteen months before the election?—A. I said about a year and six months before the election.

5 Cross-examination, by Mr. DONOVAN, counsel for contestee:

Q. You didn't go to the polls or attempt to vote on election day, because somebody told you that your name had been erased from the registration list by order of the revisers?—A. Yes, sir; a gentleman told me, living with me at my house, that they had my name off; that it was scratched off; that the viser had struck my name off.

Q. And you went away?—A. I went away. I asked the gentleman if my name was scratched off, and he was living with me at my house, with the landlord that I rent from.

Q. Did you go to the polls to ascertain?—A. No, sir; I didn't go.

Q. You didn't go to examine the list, or ask the judges as to whether or not that was the fact?—A. No, sir; I didn't go to the judges or anybody else; I didn't think it was necessary.

6 Q. How often have you changed your residence since you have been living here in the city of Saint Louis?—A. I was living once on Ninth street; the same place where I voted the previous time when I voted, I was living there; then I was living down on Tenth street, near Carr street. I have moved altogether about four times.

Q. In what length of time?—A. I didn't keep the length of time.

Q. In the last few years?—A. Yes, sir; after I lost my wife no one place suited me.

Q. What is your business?—A. Down here on the levee, laboring.

Q. Been a rouster?—A. No, sir; I work with a coal company; with Mr. Lewis.

Q. You have no family?—A. No, sir; I have no family; I lost my family.

7 Q. So that, without going to inquire of the judges who had charge of the registration list, you accepted the word of some one who informed you that your name had been stricken off, and did not go to the polls or attempt to vote?—A. I didn't go because I didn't feel disposed; I didn't want to go there and get into trouble. Once in an election a man tried to get me arrested; once there was trouble.

Q. Once before? When was that?—A. At the last Presidential election.

Q. At the last Presidential election you had some trouble?—A. I didn't go to the polls at all.

Signature waived.

8 ANTHONY WILLIAMS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name, Mr. Williams, your full name?—Answer. Anthony Williams.

Q. Where do you live?—A. At 1018 North Seventh street.

Q. Where did you live on election day?—A. Right there.

Q. How long have you lived there?—A. About five years at that number.

- Q. Right at that place?—A. Yes, sir.
Q. How long have you lived in Saint Louis?—A. About eighteen years.
Q. Where were you born?—A. State of Tennessee.
Q. You are a colored man?—A. I guess I look like it.
9 Q. Never been out of the United States to live?—A. Never.
Q. How old are you?—A. I was seventy last July.
Q. Did you register last fall at the city hall?—A. I did.
Q. How long before the election?—A. I don't recollect particularly about that, but I always keep my registration up correct.
Q. Some two or three weeks before?—A. I am a registering agent, and of course I would register myself.
Q. Did you vote?—A. I did.
Q. Last fall?—A. I did.
Q. Where at?—A. In the Fourth ward.
Q. Whereabouts were the polls?—A. The polls were on Fifth street, between Wash and Carr.
Q. Which side of the street?—A. It was on the west side; the precinct is the proper precinct.
10 Q. West side of Fifth between Wash and Carr?—A. Yes, sir.
Q. Was your vote received and counted there, or do you know?—A. I don't know about that; they rejected my vote, and said that it was crossed out.
Q. What did they reject it for?—A. I couldn't say any reason; I couldn't tell; I asked them to explain it to me for what reason why I was rejected, and they told me I was on the rejected book, that I was marked off.
Q. Do you own the house where you live?—A. No, sir.
Q. You rent it?—A. Yes, sir.
Q. And have been there about six or seven years?—A. No, sir.
Q. Well, between four and five?—A. Yes, sir.
11 Q. Do you know any other colored men in that precinct who offered to vote and whose votes were refused?—A. I do know a few; I took up three men.
Q. Were these men that you are about to speak of registered; had they been registered when they offered to vote?—A. I think probably one of them had; but they had registers right there.
Q. Were they at the polls when you were there?—A. Of course; I carried them.
Q. You carried them there?—A. I did.
Q. Who were those men, give me the names of those who you say were?—A. One was named Charley; I have forgotten his other name, and one was Jim.
Q. Was it Charley Green?—A. It was not Charley Green; 12 It was Charley—, well maybe his name is Charley Green.
Q. Who else?—A. James Mitchell. Their votes were rejected.
Q. Now, any others that you know of?—A. The others that I carried up got their vote in.
Q. How long have you known this man, Charles Green?—A. Well I don't know, may be twelve or fourteen months, something that was may be longer; I keep a boarding house, and I don't know, there are many of them; there is some of them have been at my house a long while, but I can't say that they have been just so and so long.
Q. Do you know how long he had lived in this city, this man Green?—A. He has been here for years.
Q. You have known him for years, have you not?—A. I ha

13 known him for a year before the election, anyhow before the election.

Q. He is a colored man?—A. Yes, sir.

Q. How old is he, about how old?—A. He is nearly twenty-two or twenty-three.

Q. He is over twenty-one?—A. He is over twenty-one.

Q. Was he registered?—A. I don't think he was.

Q. Do you know that he offered to register?—A. Of course, we were along with him.

Q. Would they register him?—A. They wouldn't register him, I don't think.

Q. What was the reason that they gave?—A. Well, they said they didn't believe that he lived here, that was all.

Q. Do you know what his politics were, whether he was a Republican or a Democrat?—A. I do.

14 (Mr. Donovan, counsel for the contestee, objects to the whole of this testimony as extremely indefinite, and because this witness hardly knows the last name of the man—)

WITNESS. (Interrupting.) I do not. Charley Green, probably.

MR. DONOVAN. (Continuing the objection)—and can't testify in regard to his age.

WITNESS. His age is over twenty-one. I know that much; and I know they were Republicans.

By Mr. POLLARD:

Q. He was a Republican?—A. He was.

Q. Do you know whether he desired to vote for Mr. Sessinghaus for Congress or not?—A. He did.

Q. What are your politics?—A. Well, I am a Republican, I voted that way at that time.

Q. Did you offer a ballot; did you offer a straight Republican ticket?—A. I did.

By Mr. DONOVAN:

Q. Who had a straight Republican ticket?—A. I said myself.

By Mr. POLLARD:

Q. Where did Green live; this man Charles Green, for the last year before the election?—A. Well, he is a river man, and always when he comes here, he makes Saint Louis his home; he has been stopping at my house off and on occasionally, may be some—may be some two or three years. I can't say particularly, may be longer.

Q. You know this man James Mitchell, do you not?—A. I do.

Q. How long have you known him?—A. I have known him for a year or eighteen months.

Q. Is he a man of family?—A. No, sir.

16 Q. Where does he live? Where has he lived for a year, or the past eighteen months?—A. He has been boarding at my house for about that time. He is about twenty-five or twenty-six.

Q. He is a colored man?—A. Yes, sir; he is a little man.

Q. Was he registered?—A. I believe he was; I can't say positive.

(Mr. Donovan, counsel for the contestee, objects to the question, inasmuch as the books of registration themselves are the best evidence.)

By Mr. POLLARD:

Q. Did he go with you to the polls?—A. He did. I took him there from my house.

Q. Did he vote on that day?—A. He did not.

Q. Why not?—A. Well, they didn't believe him, or just dozed him off, and he turned around and went off mad cited.

Q. What was his politics?—A. His politics was Republican. him tickets.

Q. Did he offer to vote a straight Republican ticket that day? He offered to vote a straight Republican ticket that day; the day I was at the polls.

Q. Do you know Edward Robinson?—A. I don't know that I know the name, it is a very familiar name.

Q. Do you know Charles W. Blair?—A. I heard his name; don't know him.

Cross-examination by Mr. DONOVAN, counsel for contestants.

Q. You stated that you were a registering agent; what did you do by that?—A. I meant this, that I had that business to attend to see that these men were registered, white or colored, in no difference, to be prepared for the conflict; and I made business to spend a great deal of money doing this.

Q. Who employed you?—A. Why Republican people some ago. I was not employed this last year; I just volunteered myself.

Q. You were a registering officer under the law at the late election?—A. No, I was not; I had no employment so far as getting any work money was concerned.

Q. You were simply employed as a Republican to look after the men?—A. I wanted every man to register.

Q. You were not employed by the board of revisers, or by Master, the recorder of voters?—A. No, sir; that is my answer, in last election.

Q. You spent a large sum of money, you say?—A. I spent a great deal more than I ought to have done.

Q. How did you spend it?—A. Well, to go and get men to and register; carry them around; I would say, "Well, I will tell all, boys, if you will go up and get registered so as you can vote the election comes up." I went around and said, "You must yourselves for this conflict the same as if you were going to war; ain't no use in going into war without a gun."

Q. You gave them money to do this?—A. No, sir; I said, "We all go and have a drink; I will treat you, boys."

Q. Did you go to the bar-rooms and find the colored people tell them they must prepare themselves for the conflict?—I told them they must prepare themselves. I just volunteered to do that.

Q. Did you get back the money that you spent in this way?—No, sir.

Q. Do you expect it back?—A. No, sir.

Q. All this occurred at this election?—A. Well, I tell you why there is an election up, I always went around to see that every man was prepared with his ballot.

(Question read.)

A. Of course; it occurred at every election.

Q. And at this last election?—A. Yes, sir; that is, about this election. I would say, "Mister, you ought to register." I made my business to see that every one is registered.

Q. Were you employed in the interest of Mr. Sessinghaus?—Well, he was on the ticket, the ballot, that I gave.

21 Q. And it was his agent that employed you?—A. I was not employed this last election at all, as I said before.

Q. You passed your ballot in at the window?—A. I did.

Q. Was it passed out to you again?—A. Yes, sir; on the first motion they said I had been stricken off. Mister, what is his name, he said I was crossed off, and I asked him why, and he couldn't give me any reason; he said when the supervisor come around I could give my vote to him; he says I could do that, but he says, "Your name is crossed off the registration; it is not on the registration books." "Well," says I, "I would like to know for what reason that is done," and I went in and asked him, and he told me to go down to the city hall, and I said, "No, sir; I have been down there; I have been registered, and it is registered, sir, and I can't take that walk this morning." Then, after I had left, they told some person that is acquainted with me, to tell Mr. Williams to come back, that it is all right.

22 Q. That is all you meant by being bulldozed?—A. No. Well, they was bulldozing each other, scratching off the names; and then these other parties were talking pretty loud. I was all crowded around and bulldozed.

Q. But you can't be bulldozed, can you?—A. Oh, yes; they might make efforts to do it.

Q. But they couldn't succeed?—A. Not reasonably, they couldn't.

Q. They couldn't succeed at all; you aint afraid of them?—A. Well, I don't know very much about that. I didn't want to go to the 23 city hall after I had been there and registered. I don't know that I was afraid of them, because I know my rights.

Q. And the judges treated you politely?—A. No, sir; they sent me off.

Q. And that was a part of the bulldozing, too, wasn't it?—A. I don't know anything more about the bulldozing matter; it was the other parties that I took there that was bulldozed.

Q. You stated, in your direct examination, that you were bulldozed by the judges. Will you give the facts exactly as they occurred; what the judges said which seems to have bulldozed you?

WITNESS. What do you call it? When they said you can't vote here—what do you call that—when I was a legally registered voter?

Q. Well, you stated that the judges bulldozed you, and now you have detailed what passed between you and the judges, who seem 24 from the conversation which you have given, to have treated you very respectfully.—A. Yes, sir; Mr. Mellier said—

Q. Well, then, you didn't mean to say that you were bulldozed by the judges?—A. You can give it any appellation that you please, sir.

Q. Then, you say they sent for you?—A. Yes, sir; to return back.

Q. Well, when you went back, what happened; did you pass your ballot in?—A. I did; yes, sir.

Q. And it was received?—A. And it was received; yes, sir.

Q. So the judges, then, received your vote?—A. Of course they did.

Q. And you left there under the impression that you were bulldozed, and that the judges didn't receive the ballot?—A. They did not the first application.

25 Q. But they did on the second?—A. Yes, sir; or on the third.

Q. So, then, your vote was not rejected?—A. Not in the final result of them; but they didn't receive it in the first case.

Q. Is Jim Mitchell a river man?—A. Yes, sir.

Q. And a bachelor?—A. Well, I don't know about his bachelorship; whether he keeps house or not.

Q. You don't know of any family that he has got?—A. No, sir.

Q. Charles Green is a river man and a bachelor?—A. No, sir; he has got a wife.

Q. Where at?—A. He has got a wife in the rear of 1020 North Sixth—well, between Sixth and Seventh, in the rear. He lives on the east side, in Mr. Whittaker's building, on Sixth street.

Q. You can't exactly locate it?—A. He says 1013; that is North Sixth.

26 COUNSEL. There is some stranger standing by your side who tells you about where he lives.

WITNESS. I know the place myself, but I don't know the number on Sixth particularly.

Q. Which one of these did you state had registered, Green or Mitchell?—A. Well, I don't know whether Mitchell had registered or not. I know that I went in to get this here Green registered—Charles Green—and they objected to it; I may be mistaken under oath; may be he had got registered, and these judges contested his ballot.

Q. Did these men always board at your house, or did they sometimes board elsewhere, when they arrived in the city?—A. That I don't know.

Q. So you do not know but when the registering officer came around he did not find any such man at your place?—A. No; I know this here Green hadn't been registered, and I took him in, but I can't say positively whether they registered him and then wouldn't receive him, I couldn't say, but I know I carried him up there, and he might have been registered; I won't be positive.

By Mr. METCALFE:

Q. Was Charles Green living with his wife at that time, or was he boarding with you?—A. I don't think he was with his wife; he was boarding with me.

By Mr. DONOVAN:

Q. That is, when he would come to town?—A. Yes, sir; yes, sir; of course; he is a river man.

By Mr. POLLARD:

Q. The second time you went there, you say you handed in your ballot, but whether it was received and put into the ballot-box, or whether it was returned to Mr. Allen, the chief supervisor, or whether the judges counted it or not, you don't know?—A. I do not know.

Signature waived.

29 HENRY MILLER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Henry Miller.

Q. Where do you live?—A. 1017 North Sixth.

Q. You were judge of election at precinct 40, I believe?—A. Yes, sir; I was.

Q. In the last election, last November?—A. Yes, sir.

Q. Do you know Anthony Williams, who lived at 1018 North Se-

enth?—A. Well, I know more than one Williams. I don't know whether that is his number exactly or not.

Q. Do you know John Davis, who lived at 1024 North Seventh?—A. I don't know him personally.

30 Q. Do you know Jesse Harris, who lived at 1020 North Seventh?—A. Not that I know of.

Q. Do you know Silas Green, who lived at 1024 North Seventh?—A. No, sir.

Q. Do you know William Thomas, who lived at 1024 North Seventh?—A. No, sir; I do not.

Q. Do you know whether Anthony Williams presented himself to vote at precinct forty on that election day?—A. He did.

Q. Do you know whether his vote was received there by the judges of election? Do you know whether the judges of election received his vote and counted it?—A. He was scratched off by the revisers and put upon the scratched list. I put it in an envelope in the ballot-box.

Q. Who did he vote for—Republican or Democrat?—A. I think it was a Republican; I don't know; I didn't examine his ballot.

31 Q. Was he a colored man?—A. Yes, sir.

Q. What do you know about his politics?—A. As far as I know he is a Republican, and always has been.

Q. How many other colored men, who had been registered, offered to vote at that precinct, whose votes were rejected on that day, if you know, by the judges?

(Mr. Donovan, counsel for the contestee, objects to the question as calling for an answer that would be extremely indefinite, inasmuch as there is no inquiry as to whether these people were properly qualified voters, and it could not be said to be proved that they were such qualified voters even if this gentleman should state that any of them were.)

A. There was Thomas, William; Davis, John; Green, Silas; 32 Harris, Jesse; and Anthony Williams. That is all I know. Those was in the ballot-box in an envelope, as rejected ballots; their votes have not been counted.

Q. Do you know what the politics of these gentlemen were?—A. I believe they is all Republican.

Q. Had they been registered?—A. They had registered; they were scratched off by the revisers.

Q. Do you know where they lived?—A. I do not, except we had a scratched list, from which we might see whether these names had been scratched off by the revisers. We found they were not on the list, and we took the votes and put them in a rejected envelope by themselves. They were on this scratched list.

33 Q. Do you know William Sieger, 1001 North Sixth?—A. I do. Q. Is he a white man or a colored man?—A. He is a white man.

Q. Did he offer to vote there that day?—A. He did.

Q. Is he a Republican?—A. I think so.

Q. Was his vote received?—A. No, sir.

Q. Why not?—A. Because he had not registered.

Q. Did he offer to register?—A. He did.

Q. Was he registered that day?—A. No.

Q. Why not?—A. Well, he represented that he had registered in the Second ward, and I told him to go to the city hall, to go and find out where he belonged. He might go down to the poll where he had been registered and get a certificate from that poll. If he did so he might come back and vote. The judges and supervisors told 34 him that he had been registered at that other poll, and the

registration officer at this poll didn't think he was authorized to register him.

Q. Do you know how long he had lived in that place—1001?—A. He lives in that place for two years, right upstairs over the store.

Q. He was over age?—A. Oh, yes, sir.

Q. Do you know any others, or have you the names of any others, who offered to vote and whose votes were rejected that day?—A. I have no names, except a certain party that was wanting to register there. I don't know; they were not the right kind of people. They had no witnesses. They couldn't satisfy us that they were entitled to register.

35 Cross-examination by Mr. DONOVAN:

Q. William Sieger, a white man, you say was refused registration at that poll, the objection to him was that he had been registered in a different precinct?—A. Yes, sir.

Q. And he informed the registrar, and he was told by him that he must go to the precinct in which he was registered and there cast his ballot, if he was entitled to cast it at all?—A. No, sir; that was not exactly it; he came around there and told me he wanted to register; that he had been registered years ago, and voted in that place in the Second ward.

Q. But he was not in the precinct that you were in then?—A. No, sir; we live in the Fourth, and he had been registered over there; he registered over there for two years where he had voted; I told 36 him he might go down there, and if he would bring satisfactory proof from the registrar there at that poll, that if he could bring back a certificate we would register him.

Q. He had been scratched off because he had removed?—A. I suppose most likely, for in that poll he had no right to vote; he had removed from the place where he had offered to vote this last time.

Q. The action of the revisers in scratching him off from the other poll was proper, because he didn't live there.—A. Yes, sir; certainly it was. He didn't try to vote; he offered to vote, he offered to register.

Q. You treated him respectfully, and calmly discussed his case?—A. I gave the best information I could; I told him to do this way.
37 Q. But you calmly considered his case and treated the gentle man respectfully, and gave him this information?—A. Certainly; treated him the best we knew how in order to give him a chance to vote.

Q. The judges and officers at that poll treated those who offered to vote with respect, did they not?—A. Certainly; I took in all the ballot myself.

Q. And you talked to the voters?—A. I did.

Q. And anybody approaching the polls was treated by the office there with due respect?—A. Very polite; yes, sir.

Q. Now, you don't know these gentlemen whose names were first given to you?—A. I don't know them personally, except this Anthony Williams; I have known him for years.

Q. That is the only one of the number that you are acquainted with?—A. I may know these others, but I couldn't pick them out by their names.

Q. But all of these votes are now in the ballot-box?—A. Yes, sir; they are in an envelope in the ballot-box with the ballots.

Q. You didn't examine the ballots of any of these men to ascertain who they voted for?—A. I did, but I couldn't possibly recollect n

what it was; but my positive belief is that these votes were for Sessinghaus.

Q. That is the best of your belief?—A. Yes, sir; but positive, I couldn't say, because I didn't take that particular notice of it, and I forgot it.

Signature waived.

39 JAMES LINCOLN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. James Lincoln.

Q. Where do you live?—A. I live now at — in the rear of Seventeenth; that is, next to the—I don't know the number, gentlemen. I moved from there since the election.

Q. Where did you live on election day?—A. 1004.

Q. What street?—A. North Seventh street.

Q. Front or rear?—A. Right rear.

Q. Rear of 1004?—A. Yes, sir.

Q. How long had you been living there?—A. I been living there about nine months.

40 Q. Before the election?—A. About seven months before the election; about nine altogether.

Q. About seven before the election?—A. Yes, sir.

Q. How long have you been living in the city of St. Louis, Mr. Lincoln?—A. As nigh as I can come at it, about thirteen years, sir.

Q. Where were you born?—A. I was born, sir, in Clay County, Missouri.

Q. Have you always lived in Missouri?—A. Yes, sir.

Q. How old are you?—A. Twenty-eight.

Q. You are a colored man?—A. Of course; you see that; I am going on twenty-eight.

Q. Were you registered before this last election?—A. Yes, sir; I was registered in Hayes's time—the time he was running.

41 Q. Did you go to the polls on last election?—A. I did.

Q. What precinct?—A. Forty; that is as nigh as I can get at it.

Q. Where was the precinct where you went to the polls?—A. On Fifth street; on the west side, I believe.

Q. Between what streets?—A. Between Wash and Carr, I think—yes, between Wash and Carr.

Q. Did you offer to register there that day?—A. Well, no; I didn't offer to register; I offered to vote. I went to vote.

Q. Would they receive your vote?—A. No, sir. He says, "You don't belong to this precinct," and, of course, I was working and didn't have time; and he says, "You can't vote here; this aint your precinct"; and I says, "Why," and he says, "Because this aint your

42 precinct; you can't vote here," and I says, "I have been voting here one election"; and he says, "I cant help that"; and I says, "But you must find my name on the registration book"; he says, "It ain't here, and you can't vote here; that is all there is about it," and then I just went off.

Q. Who were you going to vote for that day; what ticket, if you had been permitted to vote?—A. Well, sir, I was going to vote the Republican ticket.

Q. Straight?—A. Why, yes; as nigh straight as I can get at it.

Q. You intended to vote for the Republican candidate for Congress?

—A. Yes, sir; the Republican candidate; that was my idea.

Q. You offered your ballot to the judges of election?

WITNESS. Did I offer my vote, do you mean?

COUNSEL. Yes.

43 A. I did; to the man what was standing by the window.

Q. What did you ask him?—A. I asked him—I says, “I am a voter here and I want to vote,” and he says, “You aint a voter here; and you can’t vote.”

Q. Do you know the man’s name; that is what I want to know?—A. I don’t know the man; it was a man outside there; and there was a man inside; and they spoke to me, and they says, “You don’t live in this precinct,” and I says, “I live down here on Seventh street,” and they says, “You have never been registered,” and I says, “Not at this election, but I registered the time Hayes was elected, before this last election.”

44 Cross-examination by Mr. DONOVAN, counsel for contestee=

Q. When you registered at the time of Hayes’s election where were you then living?—A. 1022 North Seventh.

Q. You were, then, not living at the same place when you registered at Hayes’s election as where you were living on election day?—A. ■ was not, sir.

Q. You had changed your residence?—A. I had, sir.

Q. And for that reason, I presume, the board of revision had erased your name from your last place of registration?—A. O, I guess tha— was the reason; I don’t know why it was done, you know, because ■ can’t read; I just took their say so for it; I didn’t know.

Q. Didn’t you know that when you changed your place of residence ■ was your duty to go to the registration office and notify them of the facts so that your name could be reinstated in its proper place and in its proper voting precinct?—A. I thought that but, ■ didn’t know; I thought that they ought to know; I told them the neighborhood where I lived; that I lived at 1004, and they knew I was changed; they done mentioned that to me.

Q. So that all that you offered to do there at that poll was to offer to vote?—A. Yes, sir; give a vote.

Q. And the judges informed you that your name was not on their list?—A. He didn’t tell me my name wasn’t on there; he said, “This aint your precinct,” just that way; he asked me where I lived, and I told him 1004; then they hesitated, and I just hastened on; I was working—I was working that day, and I didn’t have the time to stand there anyhow to talk to these people; I went there to vote, and they said “You can’t vote here; this aint your precinct,” so I just went off to work.

Q. But you have detailed what passed there between you and the judges, have you?—A. That was all; they said I couldn’t vote - they said I couldn’t vote there, it was not my precinct, and I didn’t remain any longer; I couldn’t read and understand like other men, and I didn’t tarry any longer.

Q. And you didn’t do anything more?—A. No, sir; for I went up to swear my vote in, and I didn’t ask anybody any questions, and so you know that I was busy, and a little behind time, and I just went on about my business, didn’t tarry there any longer.

47 Q. You didn’t go to any other precinct that day?—A. No, sir; not that day.

Q. You didn't go to the precinct that they suggested to you?—A. I never went to any but that one.

Q. And then hastened off to your work, and took no further trouble about the matter?—A. No, sir.

By Mr. POLLARD:

Q. Where were you living when you registered last?—A. 1022.

Q. 1022 what?—A. 1022 North Seventh; right on Seventh there.

Q. Rear or front?—A. Right there at the front.

Q. How many doors from where you lived on last election day—
1004?—A. It is I guess, I won't be positive because I don't know exactly; I will tell you as nigh as I can come at it, it is about 48 seven or eight little shops or doors down this way.

On the same side of the street?—A. Yes, sir; and between the same streets, between Wash and Carr, right on the same side of Seventh street.

By Mr. DONOVAN:

Q. You don't know whether that removal necessitated a change of your voting precinct or not?—A. I did not know that, sir; I never had been told that sir; I don't know that, as I said before.

(Signature waived.)

49 MAX GRABINSKY, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD.

Question. What is your full name?—Answer. Max Grabinsky.

Q. Where do you live?—A. On Seventh street, between Wash and Carr.

Q. Were you present at precinct 49 on election day, last election day?—A. Yes, sir.

Q. Do you know Anthony Williams or Thomas Williams?—A. Yes, sir.

Q. Is that a colored man?—A. Yes, sir.

Q. How long have you known him?—A. Well, I have known him about six years.

50 Q. Where does he live?—A. He was living right there in the same alley where I keep my grocery store. Then he moved to Biddle street, between Seventh and Eighth, in the alley.

Q. Where did he live on election day?—A. At that same place where he is living now, between Seventh and Eighth and Biddle street.

Q. Is that in precinct 49?—A. Yes, sir.

Q. How long has he been living there?—A. He has been living there for two years and a little over.

Q. How old a man is he?—A. I couldn't tell you exactly; well, about forty. It is very hard to tell the age of colored men.

Q. But he is more than twenty-one?—A. Yes, sir; oh, yes; he is more than thirty, I am sure of that.

Q. Did he vote on that day?—A. He came over and he claimed that they would not let him vote.

51 Q. Came to your place?—A. Yes, sir. He says to me he wanted me to go over with him and identify him; I says, of course, yes, I would, and I went over with him, and told them judges there, or them officers there, that he was an old resident in that neighborhood; and there was a big fellow claiming to be a United States officer, he wouldn't let him come near the window, and I asked him

what is his reason, he says, "He is a colored man; that is the end o it;" I says, "He is entitled to vote here; just show me your books; hi name stands on your books, I know it; I can show you he is here on your books, and he has lived for four or five years right in this neighborhord ; he has dealt with me in my grocery for quite a long time and I know him to be what he repents himself to be." Then
52 they swore me and they swore him.

Q. Did he then vote?—A. When they swore him in, after I come out, they told him he should go and put in his vote at the window; and when he got there to put in his vote this United States officer, who was standing there, claimed that he had no right to vote there—this same man that I spoke of before—and that if this colored man came up there he would knock him on his head; he wouldn't let him go to the window so he went away. He came again, and I took a man named Brophy and with him I went up there again, taking him along; still they wouldn't let him near the window. Then I met old man McClellan—here he is sitting here (witness indicates a gentleman present)—and I told him about it. He went over with me in a buggy, and when
53 we got over there we went inside again, and I had to be sworn again, and we had to sign it again—he said we had to sign that paper again—my name and Mr. Brophy's name; then they told us Mr. Brophy and me, that we could go, that the colored man could now put in his vote. He came afterwards and told us that that same man had told him he wouldn't let him vote—wouldn't let him put in his vote. I told him then that I wouldn't be bothered any further about this matter; that I couldn't help him anyhow; I didn't want to go up there any more when there is so much bulldozing going on; I didn't want anybody to knock me in the head.

Q. Do you know what ticket Williams intended to vote?—A. He had a Republican ticket.

54 Q. And intended to vote it?—A. Yes, sir.

Q. Do you know whether any other man was thus refused at that poll that day?—A. I was told in my presence by a fellow that day—I couldn't tell his name, I know his face very well—that they wouldn't take him either, claiming that he slept across the street; that he didn't live where he represented himself to live; and he said he had tickets for Sessinghaus. He wanted me to go up there with him; I told him I couldn't go up there any more; that I had been called there before, I think three or four times that same day.

Q. How long had you known this man?—A. That man? Well—I knew him somewhere about six or seven years. He was living
55 there in the same alley.

Q. How long had he lived there before the election?—A. saw him there; he stays there with his sister.

Q. My question is, how long, if you know, had he lived in the neighborhood—whether a few weeks or a few years?—A. Five or six years.

Q. How old was he?—A. He was fifty; inside of that.

Q. Do you know what ticket he wanted to vote?—A. As I said before, he claimed that he wanted to vote the Republican ticket; that all I know.

Q. Was his name Dick Howard?—A. I couldn't say; I don't know the name; I couldn't tell you his name; I know the faces, but very few names.

Q. What is the reason they wouldn't allow him to vote?—
56 A. I don't know. They were bulldozing around for a time.

Q. You went with him to the polls, did you not?—A. Yes, sir; I believe I did.

Q. Did they say anything to him while offering to vote?—A. They wouldn't let him get near the window, so I went along; he got me to identify him.

Q. Did you give the name of that man to Mr. Hyde since the election?—A. Not as I know.

Q. Did you give Mr. Hyde any name?—A. I told him about a man that I don't know, particularly his name. I says, "There is a good many;" I says, "They are all colored men;" but I don't believe I gave him the name of this last man of whom I have spoken. I just simply told him that he got me to go up there with him after he said he couldn't vote there.

57 Q. You spoke to him about these two men, did you not?—A. I spoke to that gentleman, Mr. Hyde, and that other gentleman, Mr. Wiesehahn, there; he was present also; I think I talked to them two. They said something about Judy and Bensieck, and I said I wouldn't trust Judy for anything; that I knew him a long while; that he wouldn't help any colored man—

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. How did you know about Judy and Bensieck? You were about to say something about these gentlemen when you were interrupted?—

A. I said, or intended to say, that some of them colored voters would get money, or expected to get money, from Judy for voting for 58 Sessinghaus, or Mr. Frost, I don't know which. They were to get money for doing that.

Q. They got the money to go around there and vote?—A. Not to vote. I don't know what it was for; I didn't pay much attention to it.

Q. Well, did they tell you what they had got to do with the money which they got from Judy and Bensieck?—A. They was promised some, but they didn't get it; they was promised it, but they didn't get it; they were cheated out of it.

Q. Do you know Judy and Bensieck?—A. I don't know Bensieck; I know Judy for a damn rascal.

Q. What is their politics?—A. Their politics is for Judy.

Q. Are they not both Republicans?—A. Well, they were not paid that money. I know Judy well.

59 Q. I am asking you, Mr. Grabinsky, whether or not both of these men are prominent Republicans and active agents for Sessinghaus?—A. That is what they claim; I don't know whether it is so or not; but I know that Judy would do anything for money.

Q. Why do you think that Judy would do anything for money?

(Mr. Pollard, counsel for the contestant, objects to the gentleman attempting to damn the character of any man who has not been a witness on this stand and has not in any manner been connected with this election, so far as the witness has heretofore disclosed.)

Mr. DONOVAN. And I protest against the objection, pending my examination of this witness, claiming the right to cross-examine him about what he has said in regard to Mr. Judy, simply because he—

60 Mr. Judy—was an active Republican agent, special friend of Mr. Sessinghaus, and particularly in charge of his canvass, and I therefore deem it proper to follow up an inquiry brought out in the direct examination.

A. I know him very well; I know him for an extraordinary man.

Q. I am asking you now about Judy—what you know about him?—
A. That is what I told you; that is what I said before.

Q. Then I didn't catch you aright; just explain the facts in regard to Judy's case again.—A. Well, he was running around with a buggy, trying to get all the votes he could, and he promised some of the voters money, but he didn't give them any; that is the complaint. That is all I know about it. I know him very well. I know he didn't give them any, for what he gets he puts in his pocket.

Q. Well, he distributed some of it?—A. I saw him distribute
61 two dollars in one saloon. There was a nigger meeting on Sixth street—no, on Seventh and Biddle. There was one night a great speeching, and I was there, when Marshal Mason was making a speech and some others, and I saw him distribute two dollars there—pay a beer bill of two dollars. That is what I saw him distribute. I was in the saloon myself.

Q. But these negroes told you that they got money from him?—A. They told me they had promised it from him, but didn't get it.

Q. To go up there and vote?—A. Yes, sir.

Q. Mr. Thomas Williams moved from near your grocery store to a second alley, near Biddle street, some years ago?—A. Yes, sir; between Seventh and Eighth.

Q. Prior to this removal he resided near you, and dealt with you?—
A. Yes, sir; before he moved over there.

62 Q. Did he deal with you afterwards?—A. He came to see me nearly every day. He was not a regular customer. He come pretty nearly every other day in the grocery.

Q. Since his removal?—Yes, sir.

Q. Were you ever at his house?—A. No, sir; I had no business in his house.

Q. He told you that he moved to the alley?—A. I know he did, because I claimed that he owed me some two dollars, and he claimed that he paid another colored man by the name of John Hunt; so I went to the place where he was living. Well, and he told me he had lived about there on Biddle street for ever so long. I went over there, and he claimed that he had paid it.

Q. But you never went to his house?—A. No, sir; I never went there.

63 Q. He told you that he moved up there?—A. He showed me right where he was living up there; he showed me right where he was there. He says, when John Hunt went there I paid him. That was the time I went there.

Q. How often did you go to the polls on that day?—A. Well, I was at the polls several times, more or less. I didn't keep exact record how many times.

Q. Did you go there twice?—A. I am sure I was more than twice.

Q. How many times more?—A. I was about five or six times.

Q. And each time that you went you went into the judges' room?—
A. No; I didn't went into the judges' room. That was the only time that I went into the judges' room when they called me in with that 64 colored man. They made us sign our names; and then he told me I could go home. He says I can go home, and then the colored man could put his vote in—could go to the window and put his vote in. Then when the colored man went to the window this man with a stick he said he couldn't vote.

Q. Were you struck that day?—A. I was not hit. I was careful not to be hit; I didn't want to be hit.

Q. But you came back five or six times?—A. I came back, yes; I thought I would get that colored man in.

Q. After you had been bulldozed at that poll, as you say, why did you go back there?—A. I came there to see if I couldn't get this colored man to vote, and to watch what was going on. I staid there as a citizen as well as anything else.

Q. And you were not hurt?

65 WITNESS. I think I wouldn't want to get a whack on the head with a stick.

Q. Did you hear of anybody being hurt that day?—A. I heard of a man being hurt in the third district; no, may be it was arrested—I think it was being hurt, though.

Q. Do you know the particulars of that trouble?—A. The same particulars that was with us, that old man he wouldn't let them vote, wouldn't let them go near the window, that is if they was Republicans, he wouldn't let them get near the window.

Q. But you are a Republican, and you went near the window each time?—A. But they wouldn't let him go there, they wouldn't let a 66 colored man go there, and they wouldn't let me come around that way, and I had to go in the back way with that colored man; then when I went in this old man came in and said, "I protest," he said he protested. Then they took the man's name, this colored man, and they sent him to the window; he wanted to vote for Mr. Sessinghaus, the man running for Congress in the third district, but they wouldn't let him come to the window, this man that claimed to be a United States officer.

Q. And his vote would not be received by the judges of election?—A. I think that was the supervisor or may be the registrar, anyhow it was that man that was inside of the polls. It was a little man, anyhow 67 he was inside of the cabin; it was him who told the colored man to go to his place to vote, and it was he also who had a man arrested.

Q. Arrested by the police officer?—A. Yes, sir.

Q. Then there was some disturbance there?—A. I couldn't tell you that.

Q. Well, this officer outside, was he there when this man came two or three times to vote?—A. Every time when I came there I found him outside.

Q. And the judges then said the vote was not a proper one and the voter said that it was?—A. Yes, sir.

Q. And they handed him the vote back?—A. I don't know. I commenced to pick my way out and went off. I didn't want to stay no longer there.

Q. What time was this in the day?—A. It was between eleven and twelve o'clock.

68 Q. Did you go to the polls five or six times the day of election?—A. I went in the afternoon the first time I was at that poll with this man.

Q. But you went, and came back in the afternoon?—A. In the afternoon, and I came back. I was three times with the same man.

Q. That is the reason that the officer said that these frequent applications would not be allowed?—A. They didn't say the word "application," never has mentioned that word, but they says that they don't want him there; he says he knows him; that he has not been there long enough, and that he wouldn't allow him to vote. Then I came and

got Mr. Brophy, and we went up together, and he wouldn't let us near the window.

Q. This man was a river man?—A. He worked on the 69 sometimes, and comes over here after he makes a trip, he comes home.

Q. When he is away he is a roustabout on the river?—A. He comes to be a fireman on the river.

Q. Is he a bachelor or a married man?—A. He claims to be a married man, but there are plenty of them that claim that.

Q. Do you know whether his wife is below on the river or here? He claims that he has got one there where he is living. I never heard of the marriage business; whether he got married or not, I couldn't tell you.

Q. Well, do you know whether or not he was on the registration?—A. That is more than I can tell you; he claimed that he was.

70 Q. But the judges didn't find his name on the list?—A. They could the judges find it when they wouldn't let him go near the window? Afterwards they found him and accepted him; they made him swear and sign his name; and then they asked him some more questions.

Q. And the supervisor accepted it, or did the judges accept it? The judges accepted it. The old man protested again, but they ignored him notwithstanding the old man came inside.

Q. The man that came and protested against his voting was told to leave the room?—A. Yes, sir; they told him to leave the room.

Q. Now, as I understand it, it was the supervisor that allowed the vote to be taken?—A. He voted that it should be taken 71 this old man bulldozed around there and wouldn't allow him to vote. But they finally took it. This old man made so much noise there and bulldozed around that the judges finally ordered him taken in charge; then they released him afterwards, and told him to go about his business.

Q. Now, you stated there was somebody that you knew, but didn't know his name, but that he staid with his sister; was that a bachelor or married man?—A. I think he is a bachelor.

Q. What is his business?—A. He pulled a hand-cart, and he spends most of the time in some of those groceries, whoever gives him a job.

Q. He lives somewhere about in that neighborhood?—A. I see him every night. I see him in the alley; sometimes with his sister; he is the only particular place what I know of.

Q. Was he at any time, prior to the election, a river 72 also?—A. I never saw him before the election much; he has time to go down; he never goes on the river; he lives in the summer and winter; I mean I never heard of him being on the river.

Q. Well, you have told all that you know about this matter. All that I know.

Signature waived.

At this point a recess was taken until one o'clock of this noon, at which time all parties in interest being duly assembled having announced themselves ready to proceed, the depositions resumed as follows:

73 LEE BAKER, produced, sworn, and examined on the part of the contesting party, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Lee Baker.

Q. Where do you live?—A. 1120 North Fifth.

Q. How long have you lived there?—A. I lived there about two years; close on to two years; I don't know exactly.

Q. At 1120 North Fifth?—A. Yes, sir.

Q. In front or rear?—A. In the front.

Q. Where were you born?—A. Blair County, Missouri.

Q. You have always lived in Missouri?—A. I always made this my home, sir.

Q. How old are you, Baker?—A. I will be thirty-seven on the 74 nineteenth day of August.

Q. How long have you lived in Saint Louis?—A. I have lived in Saint Louis, I guess, about twenty-three or twenty-four years.

Q. Did you register last fall?—A. Yes, sir.

Q. At the registry office?—A. Yes, sir.

Q. Did you vote?—A. I went down to vote.

Q. Where?—A. Corner of Sixth and Carr, in that bar-room there, behind the bar-room. I went up there once to vote, and then went up to the other polls.

Q. What other polls?—A. I went up by the Girard House. They found my name, but wouldn't let me vote there; they told me to go to the other precinct; they wouldn't let me vote. So I went down 75 about ten or eleven o'clock, and they found my name on the old books, but not on the new books, and they told me to go back and get registered at the same place, and I went back there to get registered, but they wouldn't register me and vote. They said if I came there again they would arrest me.

Q. Did they give you any reason for that?—A. They gave me no reason whatever. Mr. Pohlman said to me, "Have you voted;" says I to him, "No, sir; they wouldn't let me." Then he went out and talked with them, and told Mr. Pohlman if I came around there again they would have me arrested.

Q. Do you know the number of that precinct on Sixth and Carr; do you know whether it is forty-one or not?—A. I guess it is; Sixth and Carr.

76 Q. Now, what ticket did you desire to vote?—A. Republican.

Q. Straight?—A. Yes, sir.

Q. Did you succeed in voting at last?—A. No, sir; I didn't vote at all.

Q. Did you go to the window to offer to vote?—A. Yes, sir; I went there, but the policeman shoved me off; Mr. Pohlman told him to arrest me if I had done anything I said that I hadn't done anything, and if I had done anything, why to arrest me; then they said they didn't want to be hard with me anyhow, and one of the marshals pushed me off.

Q. What else was said by Mr. Pohlman to you, or by him to the others, in your presence? Tell us that fully.—A. Well, they told Mr. Pohlman they didn't want him to interfere; that they knew their own business, and that they would arrest both of us if I came there again.

Q. You are a colored man?—A. Yes, sir.

77 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Who is Mr. Pohlman?—A. It is Pohlman Brothers; they keep a stable on Fifth and Carr; it is Bill Pohlman.

Q. One of the Republican managers for Mr. Sessinghaus during the last canvass?—A. I don't know whether or not he was; this was Bill Pohlman.

Q. Well, he is an active Republican partisan?
WITNESS. Who, Bill?

COUNSEL. Yes.

A. I couldn't tell you that, sir; I suppose he is.

Q. So after you came back there several times, you were told by the police officer that you would be arrested if you persisted in voting?—A. No, sir; I wasn't told by the police officer; I was told by a man inside.

Q. By the United States marshal?—A. No, sir; by a man that was taking the votes inside.

Q. Who was that man?—A. Mr. Zork said that; they were the only ones that had refused me.

Q. They had refused you before several times?—A. Yes, sir.

Q. And they said you must not be clogging up the line there?—A. I didn't bother much; I took up very little room.

Q. You went there several times?—A. I went there twice, that is all, sir; and I wouldn't go there the second time, but they sent me from the city hall back again.

Q. Now, you went first to vote at Sixth and Carr?—A. Yes, sir.

Q. And they told you—the judges told you—that your name was not on the registration list?—A. That is what they said.

Q. And you then thought that your registration was at a different poll, near the Girard House, and went there?—A. Yes, sir.

Q. Did you find your name there on the registration list?—A. I didn't look. He said my name was there, but I couldn't note there.

Q. When you went back to the poll, was it on Sixth and Carr, the poll?—A. Sixth and Carr was where I came from; I went to the city hall from the Girard House.

Q. Why didn't you go to the Girard House poll, if the registrars said you were entitled to vote there?—A. He said I couldn't vote in that precinct; I had to go to this other place on Sixth and Carr.

Q. Was that because you had moved?—A. No, sir; I never moved.

Q. Well, if the registration officer told you that your name was off the book for the Girard House, why did you go to the poll near Sixth and Carr?—A. The officer at the Girard House told me to go to Sixth and Carr; they were the ones that sent me to Sixth and Carr.

Q. But your name was not on the list on Sixth and Carr?—A. They said they couldn't find it.

Q. And for that reason they wouldn't permit you to vote?—A. I suppose so; I don't know of any other reason.

Q. You didn't go back to the Girard House again?—A. No, sir; I didn't bother any more about it.

Q. You are a white man, are you not?—A. No, sir.

Q. Well, you could easily be mistaken for a white man?—A. I don't know, sir.

Q. Mr. Pohlman is a white man?—A. Yes, sir.

Q. And he was told that inasmuch as your name was not on the list there, and you were offering to vote at a place where your name was not on the list, and that Pohlman was insisting on your ballot being taken, and the judges deciding that it was not the proper place to cast your ballot, then he was informed if this thing was persisted in, whether they would arrest you both?—A. There had been some registration there and voting, and I thought I could do the same; Zork, he knew me for some time, but he couldn't identify me.

Q. But you offered to vote there simply?—A. Yes, sir.

Q. And the action that was taken there was taken by the police officer?—A. I only staid there a little while; I didn't insist; I didn't insist on letting me register; I saw my vote put to one side; they didn't count it; they didn't want to put it in the ballot-box, and they told the police officer to arrest me if I came back again.

Q. Why did you bother at that poll when you were informed by the registration officer that your proper place was at the Girard House?—A. They didn't tell me.

Q. They told you that your poll was at the Girard House?—A. They didn't tell me where it was.

Q. Well, you registered there, and you lived in the neighborhood of the Girard House?—A. I registered from 1120 North Fifth street.

Q. Did you ever vote before?—A. Yes, sir.

Q. Had you ever voted in the neighborhood of the Girard House?—A. I voted up there right by the court.

Q. Had you ever voted from Sixth and Carr, or at Sixth and Carr?—A. I voted there once; yes, sir.

Q. How long ago?—A. Last Presidential election.

Q. Why did you go to the poll near the Girard House to ascertain whether or not your name was on the list at that precinct?—A. Well, I got up in the morning, and I didn't know which one to go to really, and I went to that one because I thought it was the nearest; I didn't know there was another one on Sixth and Carr at all until they told me.

Q. And after you went to Sixth and Carr you went back to the 84 poll near the Girard House?—A. No, sir; you misunderstand me; I never went back there at all; I was only there once.

Q. What is your business, Mr. Baker?—A. Trading.

Q. What was your business about election time?—A. Trading horses and mules.

Q. You are with Mr. Pohlman?—A. Yes, sir; stopping there.

Q. And one of those Mr. Pohlmans is a very prominent and active Republican worker?—A. Well, I hadn't seen him that day; I hadn't spoken to him for two or three days.

Q. But such is a fact that he is a prominent and active and particular friend of Mr. Sessinghaus?—A. That is my idea; I don't know anything else.

85 Q. How long were you working there?—A. I have been working with him off and on for four or five years.

Q. Are you married or single?—A. Married.

Q. Well, you simply offered to vote at those polls?—A. Yes, sir.

Q. And your vote was not received simply because your name didn't appear on the registration list?—A. Yes, sir.

By Mr. POLLARD:

Q. State whether or not you offered to register at precinct 41.

WITNESS. At the corner there?

COUNSEL. Yes.

A. Yes, sir; I did; that is what I come back for; to get Mr. Pohlman there to identify me with Mr. Zork. Zork said he knew me, but not long enough; he didn't want to take it on his own hands; the responsibility.

Q. Who is Mr. Zork?—A. He was one of the voters there.

86 Q. Judge of election or clerk?—A. I don't know; I think he was one of the judges; I ain't positive what he was; he was sitting right close to the ballot-box; He said he knew me, but I would have to get somebody else to identify me.

By Mr. DONOVAN:

Q. What is his politics?—A. I don't know, sir.

Q. Is he not a Republican?—A. I couldn't tell you, sir; I don't know that.

Q. Did you converse with the registration officer there?—A. No, sir: not any more than what I have spoken to you.

Q. You were conversing with the judges?—A. Yes, sir; that is all.

Q. But not with the registration officer?—A. Only at the city hall.

87 Q. You never saw any registering officer except at the city hall?—A. That is all, I suppose. I didn't pay any attention to what was going on on the corner there at the polls.

Q. But all that you tried to do at this poll, as I stated before, was to try and give your ballot?—A. Surely.

Q. And have it counted by the judges?—A. Yes, sir.

Signature waived.

Not being able to complete the taking of said depositions, I now adjourn the same until to-morrow, Thursday, February 10, 1882, then to be continued at the same place at the hour of half past nine in the forenoon.

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 11.

1 Pursuant to adjournment as above stated, on the 10th day of February, 1881, at the hour of half past nine o'clock in the forenoon, I continued the further taking of these depositions, as follows:

LEWIS WHITE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. What is your full name?—**A.** Answer. Lewis White.

Q. Where do you live?—**A.** I live 1122 North Eighth street.

Q. How long have you lived there?—**A.** I have been living there about three years this last time, since I moved back.

Q. Where were you born, Mr. White?—**A.** I was born in Rutherford County, Tennessee.

Q. How long have you been living in the State of Missouri?—**A.** I have been here since 1864.

Q. Have you ever lived in any other State except Tennessee and Missouri?—**A.** No, sir; not stationary.

Q. Never have been out of the United States?—**A.** No, sir.

2 **Q.** How old are you?—**A.** About fifty-seven.

Q. You are a colored man?—**A.** Yes, sir.

Q. Did you register last fall? Did you go to the city hall to register?—**A.** I went to the city hall to change my registration.

Q. That is, to transfer?—**A.** Yes, sir.

Q. That was before the election?—**A.** Yes, sir.

Q. Did you vote last fall?—**A.** No, sir.

Q. Why not?—**A.** Well, my vote was challenged; was not allowed.

Q. Did you go to the polls?—**A.** I did.

Q. Where?—**A.** On Seventh, between Carr and Biddle; there was three right along together, and one on Eighth street.

3 **Q.** That is in precinct forty-eight, is it?—**A.** Yes, sir; I went to three different places; they sent me away from one, from the first one; I went up to Eighth, between Wash and Franklin avenue; the policeman told me where I had to go in, and that that was the right place; and from there I went to Seventh street, between Wash and Carr, where there is another place; then they sent me around here to Seventh street, between Carr and Biddle; and then they sent me to the next one. The man there said, "You can't vote;" then I come down and got Mr. Johnson. He says, "You are stricken off." I asked them if I got a man to identify me; that is, that lives in this block, would they receive me, and he says, "Yes." I got somebody and went back there, but he says, "No; your name is stricken off by the reviser, and you can't vote at all."

Q. How far was that polling precinct from where you lived?—**A.** I lived on Eighth street, and that was on Seventh street, right opposite me.

Q. Was that in the same block that you live in?—**A.** Yes, sir; there is an alley runs through.

Q. It is in the same block?—**A.** Yes, sir; it is in the same block. Then I went back to the city hall and I waited there; I seen a man, and he says, "You can vote I guess if you get somebody to go with you;" so I went down and got a colored man to go with me, and when

1 got there they refused me again, and told me to go back to the city hall and get a certificate, and I got one from a young man there; 5 can't call his name now, I will call his name in a minute; O yes it is Tim Rahill; he is a policeman, detective, he was, and he says, "White is an old voter, and has been living in one place there for eight or nine years; he is entitled to vote." He says, "I know he is a voter, because his name is on the registration here." I had registered at the grocery here, and then I changed it; then he went over the books and found my name, and wrote my name on the book, and says, "You can go home; it is all right." He didn't give me a ticket

Q. Then you went back to forty-eight; that precinct on Seventh street, between Cass and Biddle?—A. Yes, sir; I went back, but found it was pretty hot there. He just handed me back my ticket and says, "You can't vote at all; your name is stricken off." I says 6 "Well, I don't claim to be a citizen of the United States any more if I can't vote any more; that is the end of my citizenship." He didn't say anything, and I just took the little strip of paper that had given him and walked away.

Q. What are your politics, Republican or Democrat?—A. Republican.

Q. Who did you want to vote for for Congress on that day?—A. I wanted to vote the straight Republican ticket.

Q. Did you have a ballot?—A. Yes, sir; I had a straight ticket with me; I never scratched nobody.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do you live on the east or west side of Seventh street?—A. East side of Eighth; 1122 North Eighth.

7 Q. Are you sure that number forty-eight is your proper voting precinct?—A. That is what they told me at the polls; men told me that ought to know; they says, "That is the polls standing right there." They went up and told me.

Q. You are not certain whether forty-eight was your proper voting precinct or not?—A. I didn't know which precinct it was until I was told to go there; I went to every place that I was told to go, and then went back again; they said, "It was no good, you can't vote." I says "Well, I guess I don't claim to be a citizen of the United States any more if I can't vote."

8 Q. Well, when you went to the city hall and that officer told you that your name was on the list, did they state whether any action had been taken in regard to it by the board of revision?—A. The last time I was there they told me if they refused to vote my name just tell them that my name is there. They said my name has been stricken off by the revisers. Rahill then says, "Can't you give"—

Q. Was that at the city hall?—A. Yes, sir. Rahill then says, "Can you give him a certificate so he can vote?" The young man says, "I can give him a certificate, but I don't know whether it will do him any good or not."

Q. For the reason that the records of the registration office show that you had been stricken off by the board of revisers?—A. That was what the man told me at the polls.

9 Q. Didn't they also inform you of that at the city hall?—A. They told me the last time that I had been stricken off, then he gave me this ticket.

Q. That you had formerly been on the registration list?—A. I was a voter and entitled to vote, and he wrote on that paper, "certify that he is entitled to be a voter."

Q. Now, Mr. White, you couldn't have got a certificate to that effect, ~~that~~ you were entitled to vote, if the records of that office showed that ~~you~~ had been stricken off. You must be mistaken about this, are you ~~not~~?—A. I don't believe I am; I believe I can go home and get that ~~slip~~ of paper, if it takes me a week; it is written in plain writing and ink.

10 Q. If the officer at the four courts, or at the city hall, informed you that your name had been stricken off, it was impossible for ~~him~~ to give you a certificate that you were entitled to vote, was it not?—A. He told me when he gave it to me, "I don't know whether you can ~~vote~~ on it or not;" he says he will give it to me for accommodation, ~~and~~ wrote it so because I am known to him as a voter.

Q. What is your business, Mr. White?—A. I keep a shooting-gallery.

Q. You live on the front of the street?—A. Yes, sir.

Q. You have lived at that place off and on; lived there different times?—A. No, sir; I been there continually where I am keeping only that I moved from one side of the street to the other, where 11 I keep a gallery. I didn't keep a gallery where I lived before.

Q. Is this place, 1122 North Eighth street, your gallery or your residence?—A. My residence.

Q. Your gallery is at a different place?—A. Different place; yes, sir.

I Q. Did you register from your gallery, also?—A. Yes, sir; and then I went and had the change made because I moved back up to that place; I had been there three years; I guessed I had better register from where I was sleeping at; I had moved from the gallery when I registered before; that is the reason I wanted to change it.

Q. Are you a bachelor or married man?—A. No, sir; married man.

12 Q. Live with your wife?—A. Yes, sir.
I Q. So you made a change prior to the election, you think?—A. I wanted to change my registration because I had moved my gallery; I didn't live in the same place where I registered before.

Q. So you don't know how it was that your name came to be erased?—A. He didn't give me no ticket. I should have had a ticket, but I didn't know it.

Q. How long before the election did you visit the city hall to change your registration?—A. That was about three weeks before the election.

Q. Well, do you know whether or not your name didn't appear on the books of precinct forty-one, which you did not visit?—A. My name was there, but was stricken off; he told me I was stricken off by the reviser.

13 Q. You are speaking of forty-eight now; you never went to forty-one at all?—A. Well, I mean the one opposite to where I live.

Q. And you never went to precinct forty-one where you were registered previously?—A. No, sir.

Signature waived.

14 J. J. JONES, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, Mr. Jones?—Answer. J. J. Jones.

Q. Where do you live, Jones?—A. I live 1211 Biddle street.

Q. How long have you lived there?—A. I have lived there about three months.

Q. Now?—A. Yes, sir.

Q. Where did you live on election day?—A. On election day I lived 1414, in the rear of North Eighth street.

Q. How long had you been living there before the election?—A. Oh, I had been living there since spring.

15 Q. How long have you lived in the city?—A. I have been here about fifteen years, I guess.

COUNSEL. Fifteen years?

A. About that, fifteen or sixteen.

Q. Where were you born?—A. I was born in Tennessee.

Q. Have you ever lived in any other State except Tennessee and Missouri?—A. Well, not to live; I have been in other States; I stopped there awhile; I never made any place my home but here.

Q. How old are you?—A. Twenty-eight years old.

Q. You are a colored man?—A. Yes, sir.

Q. Were you registered last fall?—A. No, sir; I did not register.

Q. You didn't go to the city hall to register?—A. I did go there.

Q. Did go to the city hall?—A. Yes, sir; I went there; yes, sir.

16 Q. Why didn't you register?—A. I couldn't register, sir. That is what somebody told me.

Q. What was the reason that you couldn't register?—A. Well, that is the only reason they could tell me, was that I came there too late; that I ought to have been two or three weeks sooner.

Q. How long before the election was it?—A. I couldn't tell exactly how long it was before the election.

Q. Did you go to the polls on election day?—A. Yes, sir; I went to the polls.

Q. Where?—A. I went up to the poll on O'Fallon street.

Q. Whereabouts?—A. Betwixt Seventh and Eighth, right on the corner of the alley there.

Q. Did you offer to register there that day?—A. I offered to register.

17 Q. Did they register you?—A. No, sir.

Q. Why not?—A. Well, I was not well enough known there.

Q. What did they say to you?—A. Well, there was several there that told me I couldn't do anything there; couldn't vote there.

Q. Why?—A. Because they didn't know me, and I had no one to vouch for me.

Q. State whether you got anybody to vouch for you, or what you did; just tell us what you did?—A. Well, there was several gentlemen that I knew by sight, but I didn't know any of them personally; and there was a few colored men living close to where I did, they voted; they got their registration in; they got their certificate for it, you know—some little paper, and one of them was there. Of course

18 they wouldn't take his word no more than they would mine; then there was the man that I was renting from, he lived on the opposite corner below, but I never went near him; and I was drove off by the man that told me if I couldn't bring sufficient proof, therefore, I couldn't register and vote; and the men that I had brought, of course they said they wouldn't take.

Q. Wouldn't take the men you brought?—A. No, sir.

Q. Why not?—A. Why, I suppose because they were colored men like me.

Q. What did they say?—A. They told him and me both, to go away from there.

Q. What else did they say, if anything?—A. Well, I went off after that time.

Q. Did you go back again?—A. I come back again after a while.

Q. Did you register that time?—A. I didn't register, nor vote, at all.

Q. Would they permit you to register there the second time that you came back; if not, for what reason?—A. The only reason that they could say was that I had no one to recommend me there.

Q. That they would take?—A. That is the ground that they objected on.

Q. What are your politics; are you a Republican or Democrat?—A. Well, yes, sir; I am a Republican.

Q. Did you propose to vote the Republican ticket that day, if you could have voted?—A. Oh, yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What is your business, Mr. Jones?—A. Well, I am a cook myself.

Q. Why didn't you take the trouble to register?—A. I did take the trouble to go down there.

Q. But the time for registration had closed?—A. Oh, I didn't know as it had.

Q. You were so informed by the officers at the city hall, that day?—A. That I ought to have come two or three weeks sooner.

Q. That you ought to have come there before?—A. Two or three weeks sooner.

Q. How often did you go to the poll on election day?—A. I went there the second time.

Q. Are you sure that you went to the right poll?—A. Yes, sir; it was the right poll.

Q. You can read and write?—A. Yes, sir; a little, just enough to make out.

Q. Well, you were not able to bring parties there that were satisfactory to the registrar, to identify you, or to satisfy them that you could, under the law, register at that place?—A. Well, such a proof that I could have brought, sir, would have been good enough; but they were of a different politics to me; and, of course, I knew it wouldn't do me any good to carry them up there. If I wanted to vote an opposite ticket there, which they wanted me to vote, I could have voted very surely.

Q. That is your opinion?—A. I am satisfied of that.

Q. Then, you didn't go for these parties that you think could have identified you, simply because you were of the opinion that they wouldn't do it because your ballot would be cast in a way that was opposite to their political sentiments?—A. That is why I didn't bring no white man up there; the man whom I rent from.

Q. Were there not many white Republicans there?—A. I don't think in my precinct there is but a very few white Republicans; two or three.

Q. Did you go to look for any of them?—A. Well, there was a man that kept a cigar shop, of course I went there very often; he is a Republican, I found that out in conversation with him; I went in there often to buy cigars from him; of course he had never been up to my house, but he knew that I had been living there since spring—up the alley—and I told him so.

Q. But you didn't go for him?—A. No; I didn't bring him down.

Q. There was a Democratic and there was a Republican judge
23 at that poll, was there not?—A. I think there was.

Q. And the Republican judge considered your case just as well
as the Democratic judge?—A. One considered it as well as the other
I suppose. I didn't think that the judges had anything to do with
man unless he was registered.

Q. They spoke about your case and considered it?—A. Oh, well;
can't tell what they said there; they muttered and spoke inside among
themselves, of course.

Q. There was a United States supervisor at that poll, was there not
—A. I think there was.

Signature waived.

24 JAMES TAYLOR, produced, sworn, and examined on the par
of the contestant, deposeth and saith.

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. James Taylor, sir.

Q. Where do you live?—A. 909 Biddle street.

Q. How long have you lived there?—A. Been living there four
years.

Q. How long have you lived in Saint Louis?—A. Four years this
month.

Q. Where did you come from?—A. Moberly, Missouri.

Q. Were you born here?—A. I was born in Kentucky, and raised in
Missouri.

Q. Have you ever lived anywhere else, except in Kentucky and Mis-
souri?—A. No, sir.

25 Q. How old are you?—A. Twenty-three years old the fifteen
of December.

Q. Were you registered last fall?—A. Yes, sir.

Q. Before the last election?—A. Yes, sir.

Q. Where did you register; at the city hall?—A. City hall.

Q. How long before the election?—A. About a week, or a month, I
reckon.

Q. Did you vote on election day?—A. Yes, I did.

Q. Where?—A. I voted at Clark avenue, right next—no, not Clark
avenue, on O'Fallon street; on the corner of O'Fallon and Ninth.

Q. Was your vote received on that day by the judges of election,
the supervisor, or don't you know?—A. I do not know. Anyhow my
name was put down in the city hall, and they didn't give me
26 anything more; they told me to go home, that I was already
registered.

Q. You went there and handed in your vote?—A. I did not vote
all; I wanted to vote, and they took my ballot.

Q. Was it a Republican ticket that you voted?—A. Yes, sir; I had
a Republican ticket.

Q. Do you know whether your vote was received by the judges and
put into the ballot-box, or what was done with it?—A. They didn't put
it in the ballot-box; they had some votes laid out on the table, and
they had a needle stuck on the table, and they picked it up and stuck
it on that.

Q. Did they say why they did that to anybody?—A. No, sir; they
didn't.

27 Q. Didn't say a word to you?—A. They said, "That will do
and I went home—went to my work."

Q. Was that precinct fifty-two, or don't you know?—A. I don't know.

Q. Was it at that barber-shop there?—A. I couldn't tell you that neither.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You, of course, do not know what action the judges took on that vote when they came to count the votes in the evening, to make their reports?—A. No, sir; I don't know what action they took on it.

Q. So you couldn't tell whether it was counted or not?—A. No, sir; because I was outside.

Q. You didn't go to any other place on that day?—A. Yes, sir;
28 I went there, and my name was not there; then I went to Carr and Tenth, and they told me my name wasn't there; they said it didn't belong to that voting precinct; then I went to Biddle and this other place on O'Fallon street and Wash, and there I voted.

Signature waived.

29 LORING M. HOWELL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Loring M. Howell.

Q. Where do you reside?—A. North Park Place Hotel, at present.

Q. How long have you resided there?—A. Well, I have only been there since the 1st of December, now.

Q. Where were you residing on election day?—A. At 1145 Bremen avenue.

Q. How long had you resided there?—A. Well, I had lived there—moved into that tenement in May.

Q. May last?—A. Yes, sir.

Q. Mr. Howell, how old are you?—A. Thirty-six.

30 Q. How long have you lived in Missouri, Mr. Howell?—A. Four years next April.

Q. You are a native of the United States?—A. Yes, sir.

Q. Never have resided out of the United States?—A. Never.

Q. Were you registered last fall, Mr. Howell?—A. I did not register; no, sir.

Q. Did you go to the poll on election day?—A. Yes, sir.

Q. Where, at what poll?—A. Bremen avenue and Fourteenth street.

Q. Did you vote?—A. I suppose I did.

Q. Were you registered that day?—A. No, sir.

Q. Had you been registered prior to that day, to that time?—A. I presume I had, because I had voted before.

Q. Voted in that same place?—A. In that same precinct; yes, sir.

31 Q. You mean in the same precinct?—A. Yes, sir.

Q. But not in the same place?—A. I am not sure about that. I think I voted, because I have never lived anywhere else. I have lived right there, within one block, for three years and a half; I am personally known to everybody there, and also to the supervisor and judges of election; in fact, the officers there in the poll, the receiving judge, he was a neighbor of mine, living right across the street from me.

Q. Was your name on the poll book when you offered to vote?—A. No, sir; I went up and offered to vote, and they looked for my name but it wasn't there, and this gentleman who knew me, who was my neighbor, he says, "That is all right, Mr. Howell, you vote and your

32 vote will be counted." I believe I put my name on it, or the gentleman put my name on it, and I presumed, until this morning, that my vote was counted.

Q. Who did you vote for for Congress, Mr. Howell?—A. Mr. Sessinghaus; I voted the straight Republican ticket.

Q. You say you presumed until this morning?—A. At least the suspicion hadn't come over me until I spoke to Mr. Metcalfe. Of course I noticed the provision in the paper for parties that were not registered that were known to be living in the precinct where they had been registered in another place of residence but still in the same precinct I saw that order, and under that order I presumed my vote would be counted without any question. I never made any further inquiry about it.

Q. Were you prepared, Mr. Howell, to register on that day?—A. Yes, sir; certainly.

33 Cross-examination by Mr. DONOVAN, counsel for contestants.

Q. Did you register on that day, Mr. Howell?

WITNESS. What constitutes registration, sir?

COUNSEL. If you had not been previously registered there was a special registration officer appointed to register on that day.

WITNESS. Shall I make my application at the polls to register?

COUNSEL. Yes, if you had not been previously registered.

A. Well, as I say, I offered my vote that day, and further, I knew all these parties inside; I didn't say I wanted to register; I offered my vote to the proper party, and he received it.

34 Q. And they said they would receive that vote just as they'd receive the ballot of other voters there?—A. No, sir; no, sir; I apprehend not, because one of the judges says, "Your name is not on the list, Mr. Howell." I don't recall my neighbor's name, who was apparently the party receiving the vote, directing the putting it in the box; his name is Fred. something; I don't recall the name; he was a German. At there was another party who had taken my vote, and wrote my name on it; he made the remark to me, "It is all right, Mr. Howell, your vote will be counted."

Q. You supposed your vote was counted until Mr. Metcalfe told you this morning that he thought it was not?—A. Certainly.

Q. You don't know whether it was counted or not, except from what Mr. Metcalfe told you this morning?—A. No, sir.

Q. You don't know whether or not Mr. Metcalfe's information was correct or not?—A. No, sir.

Q. Were you subpoenaed in this cause, Mr. Howell?—A. Yes, sir.

Q. So, then, when you went to the poll the judges informed you that your name was not on the registration list, and all that you did was to present your ballot and have this conversation, and the judges received it?—A. My name was written on the ballot.

Q. But that is all that you did at that poll?—A. That is all I did at that poll.

Q. And you didn't go to the city hall last November to register?—A. No, sir.

(Signature waived.)

36 FREDERICK LINK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. Give your name, sir?—Answer. My name is Frederick Link.

Q. Where do you live, Mr. Link?—A. I live between Buchanan and Angelrodt, 3319 North Thirteenth.

Q. How long have you lived there, sir?—A. Since April.

Q. Last April?—A. Last April.

Q. How old are you, Mr. Link?—A. I was twenty-six the twelfth of last October.

Q. How long have you been living in Saint Louis, Mr. Link?—A. I have lived in Saint Louis—I was born in the State of Missouri—I have been living here all the time. I was part of the time in Wisconsin, and part of the time over in Illinois. I have been here seven or eight years steady.

Q. In this city?—A. Yes, sir.

Q. You never have lived out of the United States?—A. No, sir.

Q. Were you registered last fall?—A. No, sir.

Q. Did you go to the polls and vote on last November election?—A. Well, I went there to vote, but they wouldn't receive my vote.

Q. Where was the polls?—A. On Twelfth and Mallinekrodt streets.

Q. Did you offer to register there that day?—A. Yes, sir.

Q. Was your registration refused?—A. Well, I went up to the poll and offered my vote, and they asked my name. I told them my name. They asked me whether I was registered, and I told them no; they said I couldn't vote. I told them that I had heard I could register at the poll. So I went inside, and they had quite a dispute about it; but they didn't register me that day.

Q. Why not; what was the reason?—A. In the first place, they didn't have any one there to register me.

Q. So you didn't vote?—A. Well, I put my name on the back of a ticket, and they put the ticket aside; that is all I know of it; and then the clerk, or judge, or whatever he was, he said it would be attended to.

Q. What ticket did you vote there, Mr. Link?—A. Straight Republican ticket.

Q. Was Mr. Sessinghaus's name on the ticket?—A. Yes, sir.

39 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You say that they had nobody there to register you?—A. No, sir.

Q. So then you didn't qualify before anybody either on that day or before?—A. No, sir.

Q. Don't you know that before you are privileged to register you have to make oath to certain facts regarding the length of time you have lived in the city; and in regard to the place where you lived, and in regard to your age?—A. Well, I haven't registered before; I didn't know anything about it, what I had to do.

Q. Well, you didn't go back to the poll?—A. No, sir; I thought 40 I spent enough time. I was pretty near there an hour and a half, and my business didn't allow me to stay away. If I aint there my business is closed.

Q. If the registering officer was not there at the time why didn't you wait for him; he must have been about the place somewhere?—A. They didn't have nobody sworn in; they sent somebody off, that is what I heard, I don't know whether they did or not, to another place to be sworn in, and I waited about an hour for him, and I went out under that consideration that my vote would be counted, and would be all right.

Q. So the judges informed you that the registering officer had himself gone off to qualify?—A. They didn't have none at that time, but they had got somebody to go off somewhere else to be sworn at some other place.

41 Q. And he told you that the man had gone off, the man who was to act as registrar, to be qualified as registrar?—A. Yes, I waited an hour and a half; I could not wait any longer.

Q. And you didn't go back in the evening at all?—A. No, sir.
(Signature waived.)

42 C. H. KOESTER, produced, sworn, and examined on the I of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. C. H. Koester.

Q. Where do you live?—A. Northeastcorner of Thirteenth and Trehan streets.

Q. Mr. Koester, how old are you?—A. I am forty-five years old.

Q. How long have you resided in Saint Louis?—A. I have lived Saint Louis for twenty-three years; between twenty-three and twenty-four.

Q. Were you twenty-one years of age when you came here?—A. I don't know; I was twenty-two.

Q. Where were you born, Mr. Koester?—A. Born in Germany.

Q. Have you ever received your naturalization papers in the State?—A. Yes, sir; the same time I was in the army.

Q. You served in the United States Army during the I war?—A. Yes, sir.

Q. Did you register last fall, Mr. Koester?—A. I did.

Q. Where?—A. In the poll on Mallinekrodt street, between Twelfth and Thirteenth.

Q. What is the number of that poll, do you know?—A. I really do know; it is a barber-shop.

Q. On Mallinekrodt, between Twelfth and Thirteenth?—A. Yes, sir.

Q. Did you vote, Mr. Koester?—A. Well, at the time when I was there, the last election, I found out that my name was taken off the list off the poll books, and there was nobody there to register; they had sent somebody off to qualify, but, of course, I couldn't wait there; there was several acquaintances of mine there—one of the judges, Niehoff, is one man; he keeps a grocery store on Eleventh street; I know him; and I had my name put on a slip, and they promised me that my vote should go in.

Q. They promised you that it should be counted as a vote?—A. Yes, sir.

Q. How long have you lived there in that neighborhood?—A. I believe it will be three or four years.

Q. You hadn't registered, then, previous to this last election mean immediately before this last election?—A. No, sir.

Q. Nor on election day?—A. No, sir.

45 Q. Do you know whether or not your vote was put in the box and counted?—A. I do not.

Q. What ticket did you cast, Mr. Koester?—A. Well, I put in Republican ticket.

Q. Did you vote for Mr. Sessinghaus?—A. I did.

Cross-examination by Mr. DONOVAN, counsel for contestants:

Q. So you didn't qualify before any registering officer at any time in this city?—A. Not at that time; no, sir. Not for the last election,

se I thought my name ought to be on the poll books, any how; it ays has been.

Q. You didn't register at the polls, because you didn't have time to wait for the registrar?—A. I had no time, and there was nobody there. They said they don't know what to do; that they don't have the right to register me. I had come there between seven, eight o'clock that day, and it appeared that they could not register. They had sent one man down to Squire Knacke, and he came back and said he was not at home; so they were at a stand-still; they didn't know what to do; they had nobody there to register, and, of course, I promised that my name—my vote—should be put in the box as soon as this one should be qualified to act as a registrar. He was there, but had not been sworn in, and couldn't do any istration.

Q. He had not been sworn in at that time?—A. No, sir.

Q. And you didn't wait for him to come back?—A. Well, he came back, but he didn't find Squire Knacke, and some of the judges inside said that he should register me, and the others said that they couldn't, because they had no right to do it; that they didn't receive instructions enough to do it; that is what I understood them.

Q. Did they put your ballot in the box?—A. No; they had it on a string; they put it on a string; that is all I seen.

Q. Well, you didn't go back during the course of the day to qualify yourself?—A. No, sir; I didn't go back; I had left my ticket there on string.

Q. And you didn't go back that day to see what had been done with your ticket?—A. No, sir; I thought they would do as they had promised.

Q. When you heard them say that the judge had no right to do that; that he had no right to register you, didn't that statement impress you with the fact that it was your duty to return to the land and qualify?—A. No, sir; I didn't think anything of the kind, because they had made me a promise that my vote would be put in any case.

Q. But they told you at the poll that they couldn't register you?—A. At the same time that it would be put in; that it would be just as registered when they are put on a string; they would be counted somehow.

Q. But, Mr. Koester, you are a very intelligent citizen to all appearances, and you heard the judges discussing among themselves their right of power to register you, and you knew that you couldn't vote unless you were registered. Why, then, didn't you attend to the matter?—A. Well, they said my vote was taken anyhow. Why should I run after it again, as they promised me and told me that my vote was taken anyhow? What was the use of going back again, as I had the promise that my vote would be counted for me?

Q. But you knew very well that you couldn't vote unless you were registered?—A. But it was so in other polls anyhow, and it requires that a man should have power to do that to register me.

COUNSEL. Please answer the question that I put to you.

Question read by the notary.)

Q. Well, I know that at this time, but not at that time; not the way you told me there.

Q. Don't you know, as a citizen, that you can't vote unless you register?—A. I don't know. Of course I ought to, but the time

they told that to me there I thought I was just as well entitled to as the balance; the way they told me there.

Q. Well, you know it, as a matter of fact, as a matter of law, a matter of general information, that no man is entitled to vote he is registered?—A. This thing I know: I was entitled to. Whether I was registered or not, they received my vote. I know entitled to vote; I can prove it.

Q. You know, as an intelligent citizen, that no party is entitled to vote unless he is registered? That is a plain question, answer it. A. Well, I can't answer it now, because they told me I was entitled to vote on that ticket on the string; they put it on the string; that's what I went by.

51 Q. You know, as a matter of fact, as an intelligent citizen no party is entitled to cast a ballot, unless he is registered? I have to answer that question now.—A. I don't call myself an intelligent citizen, as far as that is concerned. I am one of the low-class zens. I don't call myself intelligent.

Q. What are you worth?—A. I ain't worth anything.

Q. What is your business?—A. I am in the commission busin-

Q. Where?—A. On Broadway.

Q. Wholesale or retail?—A. Retail. I ain't so intelligent that I understand the vote.

Q. Why are you willing to admit that you are a low-classed citizen?—A. I am none of your genteel business men. I won't say exact classed, but far from intelligent.

52 Q. Well, now, can't you give me an answer to that question, that it is a matter of general knowledge that no man can cast a ballot unless he is registered?—A. I don't know. Of course he ought to; that is the way they spoke to me there.

Q. I don't want any of your explanations about it. I want to know if you don't know that as a fact?—A. No, sir; I don't know. I know enough about it. If I had I would have gone back then. They would have made some preparations to get registered, and if it have cost me all day.

Q. Your place of business is not in the neighborhood of these streets?—A. No, sir; it is not.

53 Q. Did you state that you didn't have time to go back?—A. Oh, I had time; yes. But, if I had gone back they wouldn't have been ready for me, and I would have had to spend all day at it.

Q. You don't know what was done with your ballot; whether it was counted or not?—A. I don't know.

Signature waived.

54 ANDREW GOODALL, produced, sworn, and examined on behalf of the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name, sir?—Answer. Andrew Goodall.

Q. Where do you live?—A. I lives 1329 North Eleventh.

Q. How long have you lived in Saint Louis?—A. Thirty-five years going on.

Q. Where were you on last election day?—A. I was living in the 120th precinct of the Twelfth ward, corner of O'Fallon and T street.

Q. Were you at any other precinct during that day?—A. I was at several.

Q. What other ones?—A. I was at 55, in the Fourth ward, and on the same street, in the next block.

Q. What other precinct?—A. I was over on Twelfth street, between Biddle and O'Fallon—Biddle and Twelfth, I mean. Then I was on Twelfth and Howard.

Q. Did you see at that precinct any colored men who were refused to vote?—A. I did.

Q. How many?—A. Two.

Q. What were their names?—A. Ed. Cummins, and an old man named Pope; his other name I don't know. He lives above me on the opposite side of the street.

Q. Were they both colored men?—A. They were both colored men.

Q. Did they offer to vote?—A. They did.

Q. What ticket?—A. The Republican ticket.

Q. You know that?—A. I know that, for I gave them the ticket myself.

Q. Straight Republican ticket?—A. Straight Republican ticket.

Q. For what reason were they refused to vote?—A. Name couldn't be found on the registration list.

Q. How long have you known Ed. Cummins?—A. I have known him sight for seven or eight years; though not personally to know him.

Q. How long has he lived in this city to your knowledge?—A. He lived right in the rear of my place over six years.

Q. How old is he?—A. He looks to be a man of about fifty; at least, looks to be that old; I don't know, sir, exactly.

Q. Do you know whether he had registered before that time?—A. He had registered.

Q. How do you know?—A. He had a little red ticket with the number of the precinct, from the city hall, in his possession, which said he received there. I had took him down to the city hall to see that he was correctly registered there; and when he got in it was so that they closed the door on me; and I left him there, and didn't him any more during the day.

Q. What reason did they allege for not receiving his vote?—A. It that they couldn't find his name on the registration lists.

Q. Now, you have known him to have been living in that precinct or seven years?—A. Oh, all of that.

Q. What is this other man's name?—A. Old man Pope; his other name I don't know. I have known him to live on the opposite side of the street from me for five years.

Q. How long has he lived in this city?—A. I don't know.

Q. Is he a colored man?—A. Yes, sir.

Q. Do you know whether he was registered?—A. I do.

Q. Now what was the reason given for not receiving his vote?—A. Didn't find his name.

Q. Was there any disturbance at poll fifty-five on this election day?

Q. Well, not particular; there was some little disputing and pushing. I don't recall any particular disturbance.

Q. Nobody hurt that you saw?—A. Nobody hurt, no place. There another man there that lives 1230, in the alley between Biddle and O'Fallon, Henry Pohlman. I know they refused him; refused to let him vote up to the very last; he went there some six or seven times.

Q. What street is it he lives on?—A. He lives between O'Fallon and Biddle in the rear, and Tenth and Eleventh.

Q. How long have you known him?—A. For three or four years only.

(Mr. Donovan, counsel for the contestee, objects to the cloud of witnesses standing around here and dictating answers to the witness on the stand.)

A. The man's name is Coleman, not Pohlman.

By Mr. POLLARD:

Q. Now, what do you say from your own recollection, unaided by anybody else, what do you say this man's name was?—A. His name is Henry Coleman. That is what I was going to say.

Q. How old a man is he?—A. Thirty-five years old.

60 Q. How long have you known him?—A. I have known him about three or four years.

Q. What ticket did he have?—A. Republican ticket.

Q. Has he lived in that precinct three or four years?—A. Yes, sir; he lived there three years that I know of.

Q. Colored man?—A. Yes, sir; teamster for Cole Brothers & Sons, or Cole Brothers, flour men.

Q. Do you know of any other colored man whose vote was refused on that day at that precinct?—A. I do not. That is all.

Cross-examination by Mr. DONOVAN, counsel for contestee:

. Q. Why did you go to the city hall with Ed. Cummins?—A. 61 Because he had this little ticket showing what precinct he was in that he was registered, and he went out there to see why he couldn't vote.

Q. You were a canvasser that day?—A. Well, yes, sir.

Q. In the employ of the Republican party?—A. Well, no; not in the employ of anybody. Nobody paid me for it. I volunteered in it.

Q. Well, you worked that day at the poll?—A. Principally around; yes, sir.

Q. You are a very positive Republican, are you not?—A. Yes, sir.

Q. And took a lively interest in these matters?—A. I did.

Q. Do you know whether Pope was registered or not?—A. I do not, only from what he said.

62 Q. Do you know whether his name was on the list there, on the poll books?—A. I do not. If I saw the list I might tell you. They said they couldn't find it.

Signature waived.

63 CHRIST. NIEMEYER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Christ. Niemeyer.

Mr. DONOVAN. I desire here to note an objection to each witness who has been heretofore, and who may be hereafter, called, for defect of notice.

By Mr. POLLARD:

Q. Where do you live?—A. Live between Eleventh and Twelfth, on Salisbury.

Q. What is your number?—A. 1117.

Q. How long have you lived there?—A. About three years.

Q. How long have you lived in Saint Louis?—A. Well, about fifteen years.

- Q. How old are you?—A. Forty-two.
 64 Q. Where were you born?—A. I am born in Prussia.
 Q. Have you ever been naturalized?—A. No.
 Q. Never have received your naturalization papers here?—A. No.
 Q. Have you ever voted here?—A. Yes, I did; I voted that time when old man Metcalfe was running for Congress.
 Q. Were you registered?—A. Yes, sir; I registered in the city hall.
 Q. Were you registered last fall?—A. No, sir; I was not.
 Q. Why not?—A. I was registered before the first—that election by the poll, not by the city hall.
 Q. Did you vote last fall?—A. Yes, sir; I did.
 Q. Where?—A. Fifteenth and Bremen avenue.
 Q. What ticket did you vote?—A. The Republican.
 65 Q. Was your vote taken by the judges and placed in the ballot-box?—A. I don't know; they took the ticket. I don't know if they put it in the box or not.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. How old were you when you came to America?—A. Well, I was twenty years.
 Q. Well, you voted on that day?—A. Yes, sir; I did.
 Q. Do you know whether your name was on the registration list or not, at the polls?—A. No, sir.
 Q. You do not?—A. No, sir; I just went in to give my ticket out; and gave the ticket to the judges.
 Q. And they took it?—A. Yes, sir.
 66 Q. And you went away?—A. Yes, sir; I went off; I went home.
 Signature waived.

- 67 W. H. INDERMARK, produced, sworn, and examined on the Part of the contestant, deposeth and saith:

- Direct examination by Mr. POLLARD:
 Question. What is your name?—Answer. W. H. Indermark.
 Q. Where do you live?—A. 1509 Salisbury.
 Q. How long have you lived there?—A. Since last March.
 Q. How long have you lived in the city?—A. Twenty-four years.
 Q. How old are you?—A. Forty years.
 Q. Came here when you were about sixteen?—A. Yes; I was going on seventeen when I came here; yes, sir.
 68 Q. Did you register last fall before the election?—A. No, sir?
 Q. Did you register at the polls?—A. I did not. I was going to on the election day, and I inquired of the judges and they told me I couldn't. I asked them am I entitled to vote, of course I aint transferred. I moved there the eighth of last March; I told them this, and they told me, they says, I can't vote, but they took my vote, and after they took it they didn't put it in the ballot-box, and I opposed to it. I told them I wanted to vote; wanted my vote to go into that box.
 Q. What did they say then?—A. They couldn't do it, but they said that it should be counted all the same; but it couldn't be put in the box.
 Q. Who did you vote for for Congress?—A. Sessinghaus.
 69 Cross-examination by Mr. DONOVAN, counsel for contestee:
 Q. Where were you living when you registered some years ago at the city hall?—A. In the Eighth ward; Tenth and Bellefontaine road, near Salisbury.

Q. And you never changed your registration after you moved to 1. Salisbury?—A. Never; only them two times.

Q. And so you never changed your registration?—A. No, sir.

Q. Now, when you went to the city hall you gave notice to officers there that you had changed your residence and moved in another ward?—A. I did not, sir; I was "skeery" that it would be that way, and that is what I went up there for exactly.

Q. Didn't you know it to be the law that where your name was on the registration list in another ward that you could not change it election day?—A. I didn't know that; I thought I could do so.

Q. And as you failed to attend to the matter and have your registration changed, no action could be taken on your name on election day, and you were not entitled to vote?—A. They took my vote though all the same.

Q. Didn't you know that to be a fact?—A. No, sir; I was told there would be persons there to give me my transfer right at the polling place right there.

Q. Don't you know it to be a fact that there is no provision in the law which permits a transfer on the day of election?—A. I don't know, sir; if I had I would have tried to go down to the city hall. I was told that it was fearfully crowded there, or else I would have tried to get it somehow; if I had supposed that I would lose my vote, I would have gone and tried it anyhow.

Q. Why didn't you take interest enough in this matter to go to the city hall and have the thing done in accordance with law?—A. Well, mister, I will tell you, I was sick most of the time, that is one reason for it.

Q. Well, you were well some days during the years that elapsed since last registration?—A. That is correct; that is proper.

Q. And just neglected the matter?—A. I neglected it; yes, sir.

Signature waived.

72 HENRY WILLIAM MEYER produced, sworn, and examined the part of the contestant, deposeth and saith:

(By request of counsel Notary Kraft acts as interpreter.)

By Mr. POLLARD:

Question. What is your full name?—Answer. Henry William Meyer.

Q. Where do you live?—A. I was informed to come here and test whether I voted for Sessinghaus or Frost. I voted for Sessinghaus.

(Question repeated by the notary.)

A. 1425 Salisbury street.

Q. How long have you lived there?—A. Six months.

Q. When did you go there?—A. Sixteenth of June; I used to live formerly on Ferry street last year.

Q. How old are you?—A. Thirty-nine.

73 Q. When did you come to this country?—A. 1869.

Q. Are you naturalized? Did you take out your papers?—Yes, sir.

Q. Did you vote last fall for Sessinghaus?—A. Yes, sir.

Q. What poll?—A. Bremen avenue and Fifteenth street, where the poll is.

Q. Was your vote taken and received by the judges?—A. It is on Ferry street, yes, sir; they took my vote.

Q. Do you know whether your vote was counted or not, by the judges, when they made up their list?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

74 Q. When did you move to 1425 Salisbury street?—A. I was there for about six months; I don't remember the exact time.

Q. Where did you live before?—A. On the Ferry and Fifteenth street, one block from it.

Q. Did you register from your previous residence?—A. I was registered at the polls; I was transferred at the time when I moved; I was transferred when I registered at the polls on election day.

Q. How did it come, if your name was on the registration list sent from the city hall, that you registered again at the polls; what was the necessity?—A. I had to do so because I had moved.

Q. But, if you had received a transfer from the city hall, there was no necessity for you registering at the polls?—A. I did not know it.

I says I have the papers here.

75 Q. Did you take out both your naturalization papers?—A. Only one; the first.

Q. You didn't take out the second?—A. No, sir; but I have a right to vote.

Q. How many Henry Meyers are there in the city of Saint Louis?—A. I don't know.

Q. About how many?—A. There are several Meyers; I don't know; how can I know that?

Q. Well, you know that a great many Meyers are living in the city, and in that part of the city?—A. Yes, sir; lots of Meyers.

Q. You think your ticket was counted?—A. Yes, sir; yes, sir; they took my ticket and put in the box.

Q. Put it in the box?—A. Yes, sir; that is all.

Signature waived.

76 JAMES BENTFORD, produced, sworn, and examined on the part of the contestee, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. What is your full name?—Answer. James Bentford.

Q. Where do you live?—A. 1111 Carr street.

Q. How long have you lived there?—A. Nearly two years.

Q. What poll were you at on election day?—A. Corner of Twelfth and Carr; down between Fourteenth and Fifteenth, and then from there I was on Biddle and O'Fallon. I was around in that ward.

Q. State whether or not, Mr. Bentford, you saw any trouble at any of these polls that you visited.—A. O'Fallon and Twentieth; I went up and met a man by the name of Thompson, and he said he couldn't vote; I had a carriage there and I asked him what was the reason, and he said they wouldn't let him vote; I told him to jump in and I would go up there with him and see what was the matter, and when we got there the crowd began to yell and shout saying, "To hell with them," they wouldn't allow any G—d d—d s—s b—s of niggers to vote at that poll; that they shouldn't vote there; I got badly bruised up there, pretty well bulldozed, as I call it.

Q. Tell us how you got hurt.—A. Well, there is the mark of it (indicating). I couldn't tell whether it was rocks or whether it was brass knuckles, but my eyes were bloodshot for two or three weeks.

Q. Well, state what more was said?—A. Well, they got to swearing down there, "Don't let the d—d s—s of b—s vote here." And when this man got there again, as I said, they said, "He don't vote here; no d—d nigger shall vote here." I don't know

what that man's name was; they said that he is about thirty-five or forty years old. They wouldn't let him near the window; they told him to "go to hell;" they wanted to make it hot for the "d—d s—b—s."

Q. Who was this other man with you?—A. His name was Henry Thompson.

Q. Was Thompson a colored man, as you say?—A. Yes, sir.

Q. Was that your polling precinct? Did you vote there?—A. No, sir; I voted at the corner of Twelfth and Carr. I had a carriage and I went around from one place to another to see that the work was going on all right.

79 Q. Was that man a Republican?—A. Yes, sir; he had a Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do you know what is the number of that poll there?—A. No, sir; I didn't inquire what the number was; I got so badly bruised.

Q. Well, it is number 123 or 130, is it not?—A. I couldn't say what number it was.

Q. Which side of O'Fallon was it on?—A. On the north side of O'Fallon.

Q. Then I presume it was 123.—A. Well, I couldn't tell you what number it was.

80 Q. You were engaged as a canvasser on that day in the interest of the Republican party?—A. I was not engaged, I always volunteered myself to vote for my party.

Q. Did you pay for the carriage you were riding in?—A. No, sir; I don't know who paid for that; I didn't pay for the carriage; they were standing there with Mr. Sessinghaus's name on them, and I asked the driver what it was for, and he says to carry voters down to the poll.

Q. You visited a great many polls on that day?—A. Yes, sir; but heard so many people swear—

Mr. POLLARD. You needn't go all over that again.

By Mr. DONOVAN:

Q. You visited a great many, did you not?—A. Yes, sir.

81 Q. And you took a very active part in the election?—A. Yes, sir; I took a very active part in my interests, in the interests of my people; what I saw didn't get their vote in.

Q. And you saw to their getting their votes in; that was your duty?—A. Yes, sir; I saw to their getting their votes in, if so be it they were right; if they testified that they were good voters; them what knewed.

Q. And you saw that they got up to the polls, and that their vote was put in?—A. I didn't say that; I couldn't get near enough to see the vote go in the box.

Q. But you saw these men up at the window?—A. No, sir; I didn't go to the window; I asked them when they came out if it was all right that is all I asked; it was not allowed to me to go to the window; I couldn't go close enough.

82 Q. Who hit you?—A. I couldn't tell; I suppose it was the crowd there; I couldn't see who it was; they couldn't be Republicans, because they wouldn't hit me.

Q. What did you say to him?—A. I didn't say nothing.

Q. What did you say to the man to provoke him to strike you?—A. I didn't say a word, sir.

Q. You had a good deal to say on election day ; did you not ?—A. No, sir ; no more than what I was talking to the men there. I didn't say a word all around the polls.

Q. You didn't talk loud yourself ?—A. I am a loud-talking man.

Q. What is your height ?—A. My height is about five feet eleven inches, I suppose, I never measured myself. I guess I am that.

Q. You are fully that ?—A. I don't know, sir.

S3 Q. Don't you think you are over six feet ?—A. No, sir; I don't think that, either.

Q. Well, you got into some trouble up there at that poll ?—A. I didn't get into it ; they got into me.

Q. You got into some trouble up there at that poll, and got whipped, and will not give us any fuller details of the matter than you have ?—A. I didn't say what I would give ; I would always give the truth ; that is what I am here for ; that is all I can give you.

Q. You came up the street when somebody, some man hit you, and that is all you know ?—A. I said that when I went up to that precinct with a man who went in to vote—and that I waited for him ; then the crowd began to holler, "kill the G-d d—d s---b---h, S4 don't let the d---d nigger vote there."

Q. What did you say ?—A. I didn't say nothing.

Q. Just kept your mouth shut ?—A. Yes, sir; because I am not a swearing man.

Q. So, then, they just came up and hit you ?—A. Yes, sir; they hit me right there (indicating).

Q. What time was this in the day ?—A. Between four and three o'clock, as near as I can get at it.

Q. You were at the various polls in that district, or at many of them, and you didn't get hurt anywhere else ?—A. I didn't get hurt ; no, sir ; and I wouldn't have gone up there if I had thought that they would make any fuss about it.

Q. You never got hurt at any other poll in that district ?—A. No, sir ; no, sir. I didn't see any as desperate as that anywhere else.

S5 Q. Now you say that this man Thompson went up to the window ?—A. He went up to the window ; I didn't go up to the window myself.

Q. I understood in your direct examination that you said that you was outside ; that you didn't go in at all ?—A. I say he went up and got to the window, and just then they began to shout "Don't let the G-d d---d s---b---h vote."

Q. Didn't you see a United States marshal there ?—A. No, sir ; I did not see any.

Q. Wasn't there two of them ? Didn't you know there was two United States marshals at that poll ?—A. If there was I didn't see them. I don't know whether they were there or not. I didn't see them.

S6 Q. One Republican and one Democrat ?—A. I didn't see no one except two policemen, and they didn't say anything.

Q. Well, the man went up and handed his ballot to the judges at the window ?—A. He had just got to the window and was handing in his ballot when they began to curse.

Q. But you don't know what happened at the window, because you were not near there ?—A. Wouldn't I, though ? I could see from where I was.

Q. You kept on looking at the man ?—A. They run him away from the window.

Q. How far away were you from him?—A. I was as far from the as about forty-five or fifty feet.

Q. Do you mean to say that any voter in approaching the judge that election got up to the window in the presence of two p 87 men and two United States officers, and was not permitt vote his ticket if he was entitled to a vote?—A. I don't know whether there was any United States officers there or not; bu policeman was there, and he offered once to make some disturb but they told him to shut up his mouth. I can't say whether U States officers were there or not, but the policeman was there, an didn't say a word.

Q. How long after this man left the window did you get tapped? I got tapped as soon as they run him off. I don't suppose he had around the carriage before they hit me.

Q. You don't know this man?—A. O, I know him by sight.

Q. You don't know whether or not he had not been there before A. No; I couldn't say.

Q. You don't know how frequently he may have been there 88 —A. I don't know. I have confidence in colored people; know that they don't vote but once, and I don't think he been there but once, and he come away from work to go up there.

Q. You don't know whether or not he had not been there thr four times before?—A. They would be mighty apt to know him there in the neighborhood.

Q. Well, you don't know whether Thompson was a legal voter not?—A. Well, I have seen him here in town for five or six year and on; never was acquainted with him, though.

Q. You never knew whether he was a proper voter or not?— know he was a citizen.

89 Q. You don't know whether that was his poll, do you? I couldn't say no more than what he told me there. That is know.

Signature waived.

90 ALBERT TYLER, produced, sworn, and examined on the of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Albert Tyler.

Q. Where do you live?—A. North Eighteenth and Exchange corner of Exchange and North Eighteenth.

Q. How long have you lived there?—A. Well, I am there since May was a year; going on two years.

Q. How long have you lived in Saint Louis?—A. I came here in October, 1863.

Q. Where were you born?—A. I was born in Tennessee—State Tennessee.

Q. Did you come from Tennessee here?—A. No, sir; I came Tennessee to Chicago; moved to Davenport, Iowa, and from there I didn't stop long at them piaces.

91 Q. How old are you?—A. I don't know, sir, what my age but I expect I am somewhere's about forty-five or fifty.

Q. You are a colored man?—A. Yes, sir.

Q. Never have lived out of the United States?—A. No, sir.

Q. Did you register last fall before the election?—A. Yes, sir.

Q. Where?—A. City hall.

Q. About how long before the election?—A. I don't exactly know how long. I have got a ticket in my pocket.

Q. Did you vote?—A. I did, sir; well, I didn't exactly vote—

Q. What poll did you go to to vote?—A. I don't know the name of it.

Q. Where was it?—A. It was on the west side of this house where you see that number that I gave you there.

Q. Adjoining that house?—A. No, sir.

Q. How far from the house?—A. It is a block or better; I don't know exactly; I am not acquainted much down there.

Q. What street is it on?—A. I don't know the name of the street; I couldn't tell you to save my life.

Q. How many blocks from where you live, from this corner of Eighteenth and Exchange?—A. I think it is between two blocks, or two-and-a-half blocks; along there somewhere.

Q. Which way from that place?—A. Right west; in this direction from the house (witness indicates).

Q. Is it on Exchange street?—A. No, sir; it is not on Exchange street, because I stop on Exchange street. I told you I can't tell you the name of the street.

Q. The next street north of Exchange street or south?—A. Just west of where I stop; rather a little west on the north side of Exchange street.

Q. You went to the polls to vote?—A. Yes, sir.

Q. Who were you going to vote for on that day?—A. I was going to vote the Republican ticket.

Q. Straight?—A. Yes, sir.

Q. Did you hand in your vote?—A. I passed it in, but it was refused; they passed it back. They asked me my name, and they said they couldn't find it. They asked me, then, if I could swear that I had registered. I told him I was. They said they couldn't help that; they said that my name was not found, and it was no good.

Q. Did you show them this registration ticket?—A. No, sir; I didn't because I didn't have it with me.

Q. And whether your vote was put in you could not say; you don't know?—A. I don't know.

Q. Which side of Exchange street did you live on?—A. On the north side, on the corner of Exchange street and—

Q. Which side of Eighteenth street?—A. It is on the west side of Eighteenth street.

Q. And on the north side of Exchange?—A. Yes, sir; 2105 Eighteenth street, on the corner.

Q. Is that at precinct one hundred and fifty?—A. I don't know; I couldn't tell you.

Q. Did you visit the precinct nearest where you lived to vote?—A. Nearest to me; no other.

Cross-examination waived.

Q. JAMES MITCHELL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. James Mitchell.

Q. Where do you live?—A. In the city of Saint Louis.

Q. What street?—A. I was residing at present on Mulberry street.

Q. Where did you live on election day?—A. On North Seventh, 1018.

Q. How long had you lived there?—A. I have resided there ever since the 20th of March.

Q. How long have you lived in Saint Louis?—A. I have lived in Saint Louis, to make Saint Louis my home, since 1866.

Q. Where were you born?—A. Nashville, Tennessee, sir.

96 Q. Have you ever lived in any place except in Tennessee & Saint Louis?—A. No, sir; only now and then I go out as a river man.

Q. How old are you?—A. Twenty-three years.

Q. You are a colored man?—A. Yes, sir.

Q. Were you registered last fall?—A. No, sir.

Q. Did you go to the polls to vote on election day?—A. I did, sir.

Q. Whereabouts; where are those polls?—A. Precinct forty.

Q. Where is that?—A. I don't remember the street, because I did make any note of it; I just come in from the river, you know, & they refused me my registration; they said [as I didn't register] I couldn't vote, and rather than have any difficulty about it I walked away.

97 Q. What ticket did you intend to vote on that day?—Straight Republican ticket, sir.

Q. Who told you that you shouldn't vote there?—A. I don't remember who it was, because I was not acquainted with the gentleman.

Q. Was he inside or outside?—A. He was inside, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You are a rouster on the river, are you?—A. Yes, sir; I am a rouster; I am on the cabin watch and deck hand; I am a river man.

Q. I mean a river man. You spend most of your time on the river?—A. Yes, sir.

Q. Are you a married man?—A. No, sir; I am not.

98 Q. You arrived in town election day?—A. Yes, sir.

Q. Have you lived in various places other than Saint Louis in the last few years?—A. I made Saint Louis my home since 1866.

Q. But you have lived in other places along the river?—A. I have not.

Q. Have you voted in any other cities?—A. I have not.

Q. Did you vote in the second Congressional district on that day?—A. I don't know what district it was. I don't know anything about the district. I know that the precinct that I was in was the precinct that was numbered forty.

Q. Did you vote for Rosenblatt on that day?—A. I don't know anything about who the parties was that I voted for. I wanted to vote for straight Republican ticket.

99 Q. Did you try to vote at any other poll on that day, Mr. Mitchell?—A. I did not, sir.

Q. You were just off the boat that day?—A. I was, sir.

Q. Who desired you to register?—A. I desired myself to register.

Q. You stated to the judges and to the registrar the facts of your case?—A. I did, sir.

Q. And their conclusion was that you were not entitled to register?—A. That is the refusal that I met there.

Q. What reason did they give you?—A. They said that I had not registered, and consequently I shouldn't vote.

Q. What was the reason that they gave you that information, that you couldn't register?—A. Well, after they told me that I was not entitled to vote, I didn't have any further ceremony about it. I turned away and left the poll, as I stated before.

100 Q. Not entitled to vote, I didn't have any further ceremony about it. I turned away and left the poll, as I stated before.

Q. You didn't offer to register?—**A.** I didn't ask them any further questions.

Q. You just went off?—**A.** He asked for my name, and asked me if I was registered. I told him my name and he said, "Have you registered?" and I said, "I have not," and he says, "You can't vote here."

Q. And then you went away?—**A.** Yes, sir.

Signature waived.

101 **SILAS GREEN**, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. What is your full name?—**A.** Answer. Silas Green.

Q. Where do you live?—**A.** 1024 North Seventh.

Q. How long have you lived there?—**A.** Last February.

Q. How long have you lived in Saint Louis?—**A.** I came to Saint Louis July, 1878.

Q. Where did you live before you came to Saint Louis?—**A.** Culpeper County, Virginia.

Q. Have you ever lived in any place except Virginia and Saint Louis?—**A.** No, sir.

Q. How old are you?—**A.** I am going on thirty-seven; I was born in 1844.

102 **Q.** Did you register last fall?—**A.** Yes, sir.

Q. At the city hall?—**A.** Yes, sir.

Q. Did you vote?—**A.** I takes my ballot up to the polls, but it was refused and was not put in the box; it was put in an envelope, and put on the side of the table.

Q. What poll did you go to?—**A.** It was the fortieth precinct; I don't know, I think it was the fortieth precinct; it was on Sixth street; it was on Sixth, south of Carr street; on Sixth and Carr, it is between Wash and Carr; I think it is, sir.

Q. Wasn't it Fifth street instead of Sixth?—**A.** No, sir; it was Sixth.

103 **Q.** When you offered to vote there did they find your name on the list?—**A.** They said they couldn't find my name on the list and refused my vote; I was challenged by a young white fellow standing at the polls. They asked me about my number and my address, and if I had registered, and I just handed up the ticket, and they said they didn't know if my ticket was right or not; they took it and put it in an envelope.

Q. Who did you vote for?—**A.** Republican ticket; straight Republican ticket.

Q. Now, tell me again where this precinct was?—**A.** On Sixth street, just south of Carr, this side of Carr.

Q. I want you to think a moment as to whether it was on Fifth or Sixth street.—**A.** On Sixth I say; I live on Seventh street, and it is just on Sixth street; just this way, the next street this way.

104 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Now, don't you know that was not your proper voting precinct?—**A.** I voted there by the number on the card that I got from the registration office.

Q. Don't you know that from the residence that you gave that that was not the proper place to vote at, on Sixth street, between—that is, south of Carr?—**A.** I voted according to my number on the card; the card which I was given at the registration office.

Q. But that card didn't say that the polling precinct was on Si south of Carr?—A. That is the reason why I went. I went to the on Carr street, and they told me that was not my proper place; t up on Sixth street; and I went down and they said that 105 the very place for me to vote at, but they couldn't find my na I showed them my registration card, and they took my ballot put it in an envelope, and put it on the table.

Q. How long before last election were you registered?—A. I was istered about, as near as I can come at it, about thirty days before election.

Q. There are several polling places in that precinct, are there no A. I know there is, but I went to but one—the one on Carr street, tween Seventh and Sixth, and they told me that was not my pre place; that my proper place was on Sixth street.

Q. When you visited the first poll did you ask the judges there?—I did, sir.

Q. And they told you that it was not your poll?—A. Yes, sir.

Q. And then you went to the poll on Sixth street, sout 106 Carr?—A. Yes, sir.

Q. And then you went to the poll on Sixth street, sout Carr?—A. Yes, sir; this side of the corner.

Q. And they looked through the list there, but couldn't find y name?—A. They said they couldn't find my name on the register; I showed them my card from the city hall, and they said that was proper place to vote.

Q. Why did you go to the other poll, then, and try to vote?—I went there to find out whether they would receive my ballot. I did try to vote at more than one place.

Q. Didn't you understand that you must go to the poll where y name is on the registration list, and there only, to vote?—A. I wen the place where they told me from the first place was my district which I was to vote.

107 Q. The polling list contains only the names of those entit to vote at that particular precinct?—A. Well, they said t looked before.

Q. Why didn't you look further for the place where your name on the list?—A. After they received my ballot and put it in an enope, I thought there was no use for me to go any further. That the fortieth precinct; I registered from there, and they received ballot there.

Q. Now, do you know whether or not there was a poll on Sixth str south of Carr street; any poll there at all?—A. I took it to be Si street; I know I come up Carr street, and I went to the poll Sixth street, and they told me for to go to the fortieth precinct to poll, and there my ticket was received and put in an envelop 108 and laid on the table; I don't know whether it went into box or not, of course.

Q. Well, you struck some polling-place that day?—A. Yes, sir.

Q. Did you offer to re-register?—A. No, sir; they received my ca and said it was correct from the city hall.

Q. And they compared that with their list and didn't find y name?—A. No, sir.

Signature waived.

109 MARTIN TIPPOLD, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. What is your full name, sir?—A. Martin Tippold.

Q. Where do you live?—A. I live now at 1206 Destrehan street.

Q. Where did you live on election day?—A. The same place.

Q. How long have you lived there?—A. One year and nine months.

Q. How long have you lived in Saint Louis?—A. Born here.

Q. How old are you?—A. Twenty-seven.

Q. Were you registered last fall?—A. No, sir; I was not.

110 Q. Did you go to the polls on election day?—A. I did.

Q. Where?—A. On Twelfth and Mallinekrodt; the barbershop there.

Q. Did you offer to register on that day?—A. Yes, sir.

Q. Did you register there?—A. I don't think I did; I aint quite sure any more.

Q. What did you do that day when you went to the polls?—A. I wanted to vote, and they told me because I was not transferred, I couldn't vote.

Q. Did you register at the city hall this fall?—A. No, sir; I did not; I was down twice in the evening; but I couldnt get off in the day-time.

Q. You registered before the election, any way?—A. Yes, sir; when I was twenty-one.

Q. What did they say to you when you offered to vote?—A. They told me I couldn't vote me, because I was not transferred.

They had my name there, but on the wrong street. They had the house as 1311 Mallinekrodt street.

Q. Did you tell them on that day there that you wanted to register and vote?—A. Yes, sir.

Q. What did they say to you about registering?—A. They said they couldn't register me there or transfer me.

Q. Why not?—A. I don't know the reason why not.

Q. Did you offer them a ballot?—A. Yes, sir.

Q. Was it the Republican ticket?—A. Yes, sir.

Q. Straight Republican ticket?—A. Well, just except the constable; he was not.

112 Q. Was Mr. Sessinghaus's name on your ticket?—A. Yes, sir.

Q. Was that ballot received?—A. I aint sure if they put it in the ballot-box or not; but they took the ticket and put my name on it, and where I lived the present time.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Did you not know that it was not within the power of any officer of election on election day to make a transfer in case a party had previously registered at the City Hall?—A. No, sir; I did not know that.

Q. You were previously registered at the city hall?—A. Yes, sir.

113 Q. When you were twenty-one years of age?—A. Yes, sir.

Q. And when you changed your residence from 1311 Mallinekrodt, to 1206 Destrehan street, you did not go to the city hall to notify the registering officer of that fact?—A. No, sir; I did not; I didn't go down there. I said before I was down there twice in the evening. I couldn't get off in the day. I got as far as the door when I went down; but the doors was closed.

Q. Of course when the reviser came to 1311 Mallinekrodt street be-

fore this last election, he found that you did not reside there?—A. No, sir; I was not there then. I haven't been there for a year and nine months. I moved from there before.

Q. Now, you didn't offer to register at the poll; you offered to
114 vote at the poll?—A. Yes, sir; I wanted to register there too; but they wouldn't take me.

Q. Because you told them that you were already registered from another place?—A. Yes, sir; at that time from the city hall.

Q. And they said they had no power in such cases to give a transfer
that the transfer must come from the city hall?—A. Well, I don't know about that; I ain't sure, but I know they took my ticket, though.

Q. But they questioned the ticket on account of what you stated?
A. Yes, sir.

Q. They didn't, then, inform you of the fact that it was not in the power to make a transfer on election day?—A. Well, they had told me that I couldn't get transferred at the poll.

115 Q. That is all they told you?—A. Yes, sir; and I didn't there any more that day.

By Mr. POLLARD:

Q. Was this place where you lived on Mallinekrodt street in the same voting precinct as that where you offered to vote, and did you on election day?—A. The time that I lived in 1311 I voted on Mallinekrodt, and they changed their poll to Turner Hall.

Q. You don't understand me. I asked you not where you voted before, but whether the place where you did vote this last time, whether that is in the same precinct as where you voted before?—A. I don't know about the precincts. I think it must be; it is only three blocks off.

By Mr. DONOVAN:

Q. How close were the polls there to each other?—A. One is 116 on Mallinekrodt street; another is on Salisbury; then there is one on Twelfth, and the other is on Fourteenth.

Q. The voting precinct, when you resided at 1311 Mallinekrodt street, from which you previously voted, that was in a different precinct from where you voted when you lived where you now do?—A. Yes, sir; it was in a different precinct.

Signature waived.

117 CHARLES GREEN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. What is your full name?—A. Charles Green.

Q. Where do you live?—A. 1018 North Seventh.

Q. How long have you lived there?—A. About eight or nine years.

Q. Where were you born?—A. I was born in Shawneetown, Illinois.

Q. Have you ever lived in any State, except Illinois and Missouri?—

A. No, sir.

Q. How old are you?—A. I am twenty-four the first day of March.

Q. Are you a colored man?—A. Yes, sir.

Q. Did you register last fall?—A. Yes, sir.

118 Q. Where?—A. City hall.

Q. How long before the election?—A. About three or four days.

Q. Did you go to vote?—A. Yes, sir.

Q. Whereabouts?—A. On Carr street; Fifth street, south of Carr.

Q. Do you know the number of the precinct?—A. No, sir.

Q. Did you vote on that day?—A. I went there to put it in, and they laid it aside.

Q. Did they find your name on the poll-books?—A. I didn't ask, sir.

Q. But the judges or some one within received your ballot?—A. Yes, sir; they received it; they didn't put it in the box.

Q. They didn't put it in the box?—A. No, sir.

119 Q. What did they do with it?—A. I think they laid it on the table.

Q. Did they give you any reason for laying it on the table?—A. No, sir.

Q. Not a word?—A. No, sir.

Q. Who was that party that did that?—A. I don't know.

Q. What was that ticket which you handed in?—A. A Republican ticket.

Q. Straight?—A. Straight; yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you read?—A. No, sir.

Q. How do you know it was a ticket for the Republican party?—A. A gentleman that gave me the ticket said it was.

120 Q. So you don't know whose name was on it?—A. No, sir.

Q. You have stated that you registered at the city hall three days before the election?—A. Two or three days.

Q. Prior to the election?—A. Yes, sir.

Q. Well, that couldn't be done under the law. Did you see anybody else register while you were registered?—A. Yes, sir; there was four or five registered there the same time I was.

Q. Well, it must have been longer than three days prior to the election?—A. Three or four days, to my knowledge.

Q. Are you sure it is not more than four?—A. No, sir; I don't hardly think it is.

Q. Have you lived continuously at 1018 North Seventh for many years?—A. Yes, sir.

121 Q. Or do you come there off and on?—A. I live there.

Q. Are you a married man?—A. No, sir.

Q. Bachelor?—A. No, sir; I have sisters and brothers here.

Q. Now, will you state that you went to the window and presented your ballot?—A. Yes, sir.

Q. How long did you remain at the window?—A. About five minutes.

Q. And you say there was not a word said there?—A. No, sir.

Q. Nobody said anything?—A. No, sir.

Q. The judges didn't say anything?—A. No, sir.

Q. You just passed your ballot into the window, and remained about five minutes?—A. Yes, sir; nearly about that.

122 Q. And you didn't say anything to anybody, and no one said anything to you?—A. No, sir.

Q. Did they look down the registration list?—A. That is more than I am able to tell you; I didn't pay much attention to them.

Q. Didn't they talk among themselves as to whether the ballot was the proper one or not?—A. I didn't see them talking.

Q. And you were standing right there?—A. Yes, sir.

Q. Were they walking around the room?—A. No, sir; they were standing still.

Q. All standing still there like statues for five minutes? Was that the way it was?—A. Yes, sir; they stood still.

- Q. Did you vote at any other precinct that day?—A. No, sir.
 123 Q. Did you come down into the second district?—A. No, sir.
 Q. What is your business?—A. I run on the river, sir.
 Q. You run the river?—A. Yes, sir.
 Q. What portion of your time in a month is spent in the city of Saint Louis?—A. About a week or so.
 Q. Do you go to New Orleans, or Vicksburg?—A. New Orleans, sir.
 Q. It takes about three weeks to make a trip, does it not?—A. About fifteen days.

(Signature waived.)

- 124 HENRY CLAY CORUM, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

- Question. What is your full name?—Answer. Henry Clay Corum.
 Q. Where do you live?—A. 1010 North Twelfth street.
 Q. How long have you lived there?—A. I have lived there three years the 11th of November, in that house.
 Q. How long have you lived in the city of Saint Louis?—A. I live up here three years the 25th of March coming; I was born in Morgan County, Missouri, near Syracuse, Missouri; I have lived in Illinois; in Jacksonville.
 Q. Have you ever lived in any other State except Illinois and Missouri?—A. No, sir; I was born in 1850; I am 26 years old if I live to see my next birthday.
 125 Q. You are a colored man?—A. Yes, sir.
 Q. You registered at the city hall?—A. Yes, sir.
 Q. How long before the election?—A. About three and a half weeks.
 Q. Did you vote last election?—A. I went there to vote.
 Q. Went where?—A. At the corner of Twelfth and Carr, I can't think of the number.
 Q. Went with the intention of voting, did you?—A. Yes, sir.
 Q. Did you give your ballot in?—A. I started to give it, but they wouldn't take it.
 Q. Why not?—A. They said my name was not in the book; my name was not in that district; I had my ballot in my hand when I went there, and they wouldn't take it; I went away, and have carried 126 that in my pocket—I have carried it until about two weeks ago; and then I came and told Smith that I couldn't get my vote in; they told me there at the polls to go to the city hall, but I thought it was no use for me to go there, because I had already registered there before.
 Q. What ticket did you intend to vote if you had been permitted to vote?—A. I intended to vote the Republican ticket; I had selected that, I wanted to vote the straight Republican ticket, but was not allowed to vote any ticket at all.
 127 Cross-examination by Mr. DONOVAN, counsel for contestee:
 Q. What conversation took place between you and the judges when you went there?—A. When I went up he says to another fellow standing there—he was a watchman, I suppose, I don't know what the man's name was, it was Henry something—he says, "Is this man's name on your book?" he says, "No; I ain't got that name on my book." I says, "I registered my name at the city hall;" he says, "You have to go to the city hall again," he says; I says, "I have been there;" "Well," says he, "your name is scratched off;" he told me that I was taken off

from that special registration list, and that I must go to the city hall before I could vote there. And I didn't hear them talk much about it.

128 Q. The name was not on the registration list?—A. No, sir.
Q. Well, there was some polling books outside, was there not?—A. I didn't take much time to notice.

Q. But this judge told you that it was not on the official book?—A. Yes, sir.

Q. Did he ask you to have yourself identified?—A. He said I had to go to the city hall and see Mr. Smith.

Q. Who was Mr. Smith?—A. Mr. Smith is that gentleman there, a colored man.

Q. Did you have yourself identified, or did you not?—A. He told me to go and see what he could do for me, and he told me to go to the city hall; but after that I dropped the matter, and didn't go there at all; I didn't go to no other poll; I didn't go to the city dispensary at **129** all, because my time was out then; I had no time to fool about that.

Signature waived.

130 JOHN F. HARTMAN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. What is your name?—Answer. J. F. Hartman.

Q. Where do you live?—A. 1002 North Eleventh.

Q. How long have you lived there?—A. I have lived there for almost two years.

Q. How long have you lived in Saint Louis?—A. I have lived in Saint Louis for seven years off and on.

Q. Where were you born, Mr. Hartman?—A. In New York.

Q. What other States, if any, have you lived in besides New York and Missouri?—A. In Indiana.

Q. In any others?—A. No, sir.
131 Q. How old are you?—A. I am 28 this summer.

Q. Were you registered last fall?—A. I was registered either a year ago last fall or a year ago this spring; I ain't sure whether it was in the fall or in the spring, but I did not register this last fall.

Q. Did you go to the polls on election day; this last November election?—A. Yes, sir; I did.

Q. Did you vote?—A. I went to vote, but my vote was rejected on account of my name not being on the list.

Q. Did you offer to register there again that day?—A. I did, sir.

Q. Were you registered?—A. No, sir; I was not.
132 Q. Why not?—A. They told me that they couldn't register me.

Q. Why not?—A. They told me they didn't have—they told me they have no right to register me—the officer or the judges says that they had no right to do so.

Q. Did you offer the judges a ballot?—A. I did, sir.

Q. What was that; of what politics was that?—A. Republican.

Q. Straight Republican ticket?—A. Yes, sir; straight Republican ticket.

Q. And they refused it?—A. Yes, sir; they refused it.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When you registered at the city hall where were you then residing?—A. When I registered at the city hall the last time,

I was residing at 1002 North Eleventh. I was transferred from 707 Pine street to 1002 North Eleventh.

Q. What is your business?—A. I am a printer by trade.

Q. Have you a family?—A. I have not.

Q. Are you a bachelor?—A. I am, sir.

Q. Is this a boarding-house?—A. No, sir; this is a private party; I am living with a private family.

Q. Have you been out of the city in the last two years?—A. No, sir.

Q. Have you boarded anywhere else in the last two years?—A. I have not, not inside of the last two years.

Q. Then, when you visited the polls and presented your ballot
134 the judges informed you that your name was not on the registration list?—A. Yes, sir.

Q. Did they request you to re-register?—A. I met Kautzman, a friend that owns the place there, and he was inside there; he told me that he would see if my name was registered, and they told me that it was not there, and because the party was not there who was swearing in—to attend to the registration, they couldn't swear me in.

Q. There was no proper officer there at that poll to register you?—
A. No, sir.

Q. Mr. Kautzman had no power to register you?—A. No, sir; he told me he would see whether it could be done.

Q. How long did you remain at the polls that day?—A. Well,
135 I was at the polls off and on most all day.

Q. Well, when did the registrar come to that poll?—A. I didn't see none at all.

Q. There was a registrar at that poll?—A. They said there was none.

Q. Yes, but there was during the course of the day?—A. None that I know of.

Q. But they did have a registrar there during the day?—A. That I don't know; I couldn't tell you; I was there at different times to get registered, but they told me they couldn't do it for me, because there was no officer there.

Q. Was Mr. Kautzman, your friend, one of the judges?—A. No, sir; he was not.

Q. Who was this gentleman that spoke to you?—A. He is the owner of the house, that is, the proprietor of the place where the polls were.

136 Q. He was not an officer of election?—A. No, sir.

Q. You saw him frequently there that day?—A. I did, sir.

Q. And he promised to see that you would be registered?—A. My ballot was passed in and it was taken and stuck on to a string or needle, and put on a hook; they said they would take care of my ballot, but it didn't go into the books; Kautzman told me it was not counted.

Q. Well, then, as a matter of fact, you did not register that day?—A. No, sir.

Q. And your name was not on the registration list?—A. No, sir.

Signature waived.

137 HARRISON JOHNSON produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name, sir?—Answer. Harrison Johnson.

Q. Are you the man that was with Mr. Goodall at election precinct fifty-five, on election day?—A. Yes, sir.

Q. Where do you live?—A. 1322 North Eleventh.

Q. You went to precinct fifty-five with Mr. Goodall on election day?—A. I did.

Q. State what occurred after you got there.—A. After I got there; I was there a while in the morning, and after I voted Mr. Larkins, a gentleman living right across from me, he come up and the officer 138 said to him, that he was not registered there, that his name couldn't be found, that he couldn't be found on the registration books.

Q. Do you know what his first name was; was it Peter Larkins?—A. That is the gentleman, Peter Larkins. And Mr. Larkins, he come to me, and I told him to go to the city hall down here, and he said he couldn't get in there; he went down and came back, and said he couldn't get in there, it was locked up; and then he went back to this place between eight and nine o'clock. Me and Mr. Goodall then went to the polls, and the judges told him that if he could get two persons, that lived in that precinct with him, to identify him that they could register him there. So we went away and got these two witnesses, and 139 come back, me and Mr. Goodall, and we went into the back room; we came into the office, and they swore him in, and the witnesses they identified him; then they swore him in and he voted there.

Q. This man Larkins voted there?—A. Peter Larkins did; yes, sir.

Q. Did his ticket go into the ballot-box?—A. I don't know where it went; anyhow he went into the room. We had to go in the back way, and when he come out he passed in his ballot, and it was taken.

Q. Did you see any disturbance there while you were there; did you see anybody hit?—A. Not at that poll.

Q. What poll was this that you are speaking of?—A. Fifty-five precinct. That is between Tenth and Eleventh, on O'Fallon street.

140 First, we went on O'Fallon, between Eleventh and Twelfth. The only disturbance there was at the fifty-fifth precinct, when they commenced hitting one another. There was a gentleman named Cummins; he had went there and attempted to vote; he had been to the city hall, and had been registered there, and he went in to vote, and they told him his name couldn't be found. Well, I am personally acquainted with Mr. Cummins. I have known him for the last eight or nine years, living but a short distance from each other, right in the same neighborhood; and I spoke up for him, and they told him he couldn't vote there. Well, I asked the judge, then, I says, "Judge, I can identify that man; I know that man personally. He has got a ticket from the city hall." By that time I was ordered away from 141 the polls by the judges, and the crowd thought I had too much to say there, so I walked away. I told Mr. Goodall about it, and Mr. Goodall took Mr. Cummins down to the city hall.

Q. Did you go back to this precinct again with Mr. Goodall?—A. Yes, sir; we went back.

Q. What occurred then?—A. Then, after we come back to the precinct, then in comes Mr. Coleman—Henry Coleman—I know him personally. I know that he went to the city hall; I know the very day that he went to the city hall. He had his ticket with him, and they told him that he couldn't vote there, as his name couldn't be found. Some old man—a white man—made some objection to him; besides, they said they couldn't find his name. He was a very rash kind 142 of a gentleman, and he said he knowed d—n well that his name was there. He says, "I will go down to the city hall and see why this is so." They said, "Very well, you can do so; but your name isn't here." So he drove down, and that was the last I saw of him, because

it was getting along towards noon—towards afternoon; and then Mr. Thompson came along; I am acquainted with him; and he come there and offered to register—

Q. What Thompson?—A. Granville Thompson.

Q. What occurred then?—A. A man named Bentford was with him, and when they came down to the polls his name could not be found, and they objected to him, one of these men standing there—standing right out there—he says to Mr. Thompson, says he, “You haven’t got any 143 vote here; you haven’t got any vote in the twenty-third precinct;” and he says, “I have; I live on Twentieth street; what precinct is that?” So Mr. Bentford got into the carriage with me, and asked me if I would go up and get somebody for him that knew him. So we all three went up to the carriage, and went up to this very precinct. When we got there Mr. Bentford and Mr. Thompson got out, and Mr. Bentford walked over and stood on the curbstone, right on the corner. There was the precinct on the northeast corner of the street, and there was a crowd standing around there of between fifty and sixty people—

By Mr. POLLARD:

Q. I don’t want all that; just tell us briefly what happened; what occurred there at these polls; whether you saw any trouble or hitting?—A. Well, when we got there with these witnesses, I saw them hit Mr. Bentford.

Q. Where; at this precinct that you are speaking of?—A. I saw them hit him here. [Indicating.] He was a colored man; they struck him twice on the right eye; they struck him right over the eye.

Q. Did he go away then?—A. He went right away; he was fixing at the time to go away, when he was struck.

Q. Did that man Thompson vote on that day?—A. No, sir; he did not vote.

Q. What was this man Cummins’s name that you speak of now?—A. Ed. Cummins. He didn’t vote, either.

Q. Did Coleman vote?—A. No, sir.

Q. You knew all three of them?—A. Yes, sir; I have known 145 them for the last eight or nine years.

Q. In this city?—A. Yes, sir; I have worked with them nearly all my life.

Q. Do you know whether they were registered and entitled to vote?—A. Yes, sir; Ed. Cummins was, I know; he claimed to be registered, I know; and Thompson I know was registered.

Q. Did they offer to vote at the precinct where they were registered from?—A. They did.

Q. What ticket did they want to vote?—A. They wanted to vote the Republican ticket.

(Mr. Donovan, counsel for the contestee, objects to the testimony in regard to registration, because this gentleman does not show himself to be familiar enough with these men to know even their first names until they are given to him by counsel for the contestant.)

146 By Mr. POLLARD:

Q. Were you with Mr. Goodall any time during that time when he was set upon and hit?—A. Mr. Goodall? I was not.

Q. You were not with Goodall there, then, at the time that Goodall was struck?—A. No, sir; I was not.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You were present during the time of Goodall’s testimony this morning?—A. No; Goodall’s testimony?

Q. Was Mr. Goodall hit there that day?—A. No, sir.

Q. You were electioneering for the Republican party?—A. I have an interest in the Republican party, of course.

Q. And electioneered all day?—A. Yes, sir; I was at the polls all day.

147 Q. What is your business?—A. My business; saw-milling.

Q. I suppose that you were paid for your work?—A. No; I just taken an interest in it; I always have taken an active part with my party, because there is so much—so many of our people don't know what to do.

Q. Were you member of any clubs during the campaign?—A. No, sir.

Q. Did you go around before election informing your colored friends how to vote?—A. I did.

Q. How much time did you spend at that?—A. Well, I didn't spend no time only by knocking around when I would be among them.

Q. Did you go around and furnish them with tickets?—A. Yes; I would give them the votes as to who to vote for.

148 Q. Did you give them any money?—A. No, sir; I had no money to give; we don't get paid for attending to our own interests.

Q. Did you visit the second district during that day?

WITNESS. Second district?

COUNSEL. Yes.

A. No, sir; I didn't.

Q. Did you direct any colored men who had voted in the third district to go down into the second district and vote again?—A. No, sir; I didn't.

Q. Did you, prior to the election, take any parties to the recorder of voters' office?—A. No, sir; I did not.

Q. Well, when Thompson went up in the carriage, he went to the window where the judges were?—A. He went to the window; just went to try, and as he went up there he got a kick; he didn't stop at the window.

149 Q. How far were you away from the polls at this time?—A. As far as from here to the corner of the wall there. [Indicating.]

Q. Well, how far was that?—A. It was about twenty feet; it is just twenty feet; the polls is right on the corner, and the carriage was right on the curbstone.

Q. You were sitting in the carriage?—A. Yes, sir.

Q. Did Thompson go back?—A. Thompson went right for the carriage.

Q. Did he return to the poll that day?—A. No more afterwards.

Q. Did you see him afterwards that day?—A. No, sir; I didn't see him any more on that day.

150 Q. After, you say, that he went away?—A. No, sir; I didn't see him any more after that; it was late in the afternoon, and he said he intended going right to his work; I didn't see him go back to the polls, because I was there until dark.

Q. Do you know whether Thompson voted at any other poll?—A. No, sir.

Q. Did you know whether he had registered?—A. I did.

Q. Did you know whether or not he hadn't made changes of residence?—A. I did not.

Q. Do you know whether he had gone to the city hall to transfer?—

A. I don't know whether he had gone to the city hall to register or not. He had been there once, and there was no use of going there a second time.

Q. Did you know whether it was his proper polling precinct or 151 not?—A. I should think it ought to be; he was living in the same precinct as I was; he was living in the same number as I was.

Q. You are guessing at it. But there were a great many polling districts in that ward. Don't you know that?—A. That is what I know; yes, sir.

Q. How often did you visit that particular poll during that day?—A. Only twice.

Q. Was the United States marshal at that poll a colored man or a white man?

WITNESS. Where the row were?

COUNSEL. Yes.

A. Well, I don't remember of seeing any at all. I saw two officers—two policemen—standing there a little ways from the polls, and they knew the row was going to commence there, because they was repeating there, "Don't let no d— s— b—h of a nigger vote there." But they didn't do anything, these policemen; they just stood there. When Mr. Bentford saw that there was going to be a row there he took this man and was shoving him towards the carriage, towards the curbstone, and he was behind; he wanted to get him out of harm, and as the crowd saw this they rushed in after Bentford, and hollered, "Give him h—l," and hollered, "You G— d— nigger s— b—h, you can't get any colored men to vote here; you have been here with others, and if you bring any more here we will give you h—l— And then they struck him, they cut him right over the eye. Then Bentford jumped into the buggy, and we hurried away from there.

Q. I suppose you took an active interest in the election on the 153 day, and made it your business to talk pretty loud there?—
No, sir; not particularly.

Q. Why did you suffer any man to interfere with your friends in their right to vote?

WITNESS. Why should I?

COUNSEL. No; why did you?

A. Well, I was not an officer. Why did he allow that? He says he couldn't stop them; that I had better go away; we shouldn't look to them to clear the polls; that they couldn't do anything.

Q. Don't you know that you could get force enough, if not from the United States marshal, then from the police officers, to insist upon this man, if he was a voter, exercising his right?—A. Of course, I know that. It ought to have been done; but that is just it; it was not done; it was neglected; therefore a man didn't receive his just 154 rights that day.

Q. Well, you went around to many polls in that district on that day, I suppose; did you or did you not?—A. Well, I visited three, to my remembrance; but there was only one that I was around a good deal that day.

Q. And you have given us all that you know or saw?—A. Yes, sir; that is all that I know in regards to that part of the election.

Signature waived.

155 CASPAR H. BRODER, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD:

Q. Question. What is your full name?—Answer. Caspar H. Broder.

Q. Where do you live, Mr. Broder?—A. 3422 Klein street.

Q. How long have you lived in the city of Saint Louis?—A. Twelve years.

Q. Have you been naturalized; did you take out your papers?—A. Yes, sir.

Q. How long ago?—A. Seven years the first, and the second five years ago.

Q. How old are you?—A. Forty-six years.

Q. Where were you born?—A. Europe; Germany.

156 Q. Did you register last fall?—A. Yes, sir.

Q. How long before the election?—A. Five years back.

Q. Did you vote? Did you go to the polls last November to vote?—A. Yes, sir.

Q. Where were those polls?—A. Mallineckrodt and Twelfth.

Q. What ticket did you vote; Republican or Democratic?—A. Republican.

Q. Did your vote go into the ballot-box?—A. No.

Q. What was done with it?—A. He wrote my name on the ticket.

Q. Who?—A. I don't know what his name is.

Q. A man inside?—A. A man inside. My name was on the book.

Q. How long have you been living at 3422 Klein street?—A. Five years.

157 Q. Do you own the house where you live—is it your house?—A. Yes.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Where did you live before you moved to 3422?—A. A little further down this way. I couldn't vote where I lived before.

Q. You registered from where you lived before?—A. No. Over five years ago I had registered, if I remember now, when I got my second papers. The numbers on that street were not correct.

Q. Where were you living when you got your second papers?—A. In this place where I now live, four years ago.

158 Q. Did you get your first and second papers?—A. I got them both, but not at the same time.

Q. You say the numbers on that street are mixed?—A. They are not straight; yes, they are mixed.

Q. When you went to the poll the judge told you your name was not on the book?—A. Yes. A man told me that my name was there four years ago, but was not there this time; he called me inside of the room and made me write my name on my ticket, and laid it to one side.

Q. The judge told you that you ought to re-register; did he or did he not?—A. He told me nothing.

Q. You know the judge?—A. I know him.

159 Q. They were your friends?—A. He lived near by me; he was neither my friend nor my acquaintance.

Q. Did you hold up your right hand to swear before anybody?—A. No.

Q. Was the registering officer there?—A. There was a man inside when I got in there.

Q. Well, was he the registering officer?—A. Yes; he wrote the name; he took my ticket, and didn't put it in the box.

) SESSINGHAUS VS. FROSZ.

Q. Why didn't you register and have your name replaced on the list, you were entitled to vote?—A. He told me I could go home then; at I was done.

Q. Was the man that told you this the registering officer or the supervisor?—A. The man that wrote my name on the ticket told me to go home; he was a supervisor.

Signature waived.

160 JEFFERSON HALE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. Jefferson Hale.

Q. Where do you live?—A. 1119 North Tenth street.

Q. How long have you lived there?—A. I had lived there at the election thirteen months; I had a receipt for thirteen months' rent.

Q. How long have you lived in the city of Saint Louis?—A. About fourteen years.

Q. Where were you born?—A. State of Kentucky.

Q. Have you ever lived in any other State except Kentucky and Missouri?—A. Yes, sir; I have lived in Indiana and Tennessee.

161 Q. Have you ever lived out of the United States?—A. No, sir.

Q. How old are you?—A. I am now pretty near thirty-eight years of age.

Q. You are a colored man?—A. Yes, sir.

Q. Were you registered?—A. I was transferred.

Q. Last fall?—A. Yes, sir.

Q. You had been registered before that time?—A. Oh, yes.

Q. Where did you live when you were registered?—A. I lived on Franklin avenue—819 Franklin avenue.

Q. And you were transferred to that place 1119 North Tenth?—Yes, sir.

Q. How long before the election did you get that transfer?—A. I don't know exactly; I guess it was about three weeks; I don't exactly; going on there.

Q. Did you go to the polls to vote that day?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. Because my vote was not taken.

Q. What reason did they give?—A. They said that my name were not on the books.

Q. Did you have a transfer ticket from the registering officer?—A. No, sir.

Q. He didn't give you any ticket?—A. No, sir.

Q. Did you offer to vote on that day?—A. Yes, sir.

Q. What poll?—A. It was either on Tenth and Carr or Tenth and Wash; but the poll number I don't exactly remember.

Q. You don't remember the number, you say?—A. I don't remember. It was on Tenth and Wash or Tenth and Carr.

Q. What was the polling place in?—A. In a saloon.

Q. On the corner?—A. On the corner.

Q. That was Tenth and Wash?—A. It was one or the other. I don't recollect which. I didn't pay much attention to it.

Q. What ticket did you offer to vote, Republican or Democrat?—A. Republican ticket.

Straight Republican ticket?—A. Yes, sir; straight Republican

Q. So that the only reason that they refused you was, as they said, that your name was not there?—**A.** Yes; then after they refused my name I went and got my house-rent receipts, and they wouldn't take them. I gave them to Mr. Heitkamp, which lived right next to me, on the corner of Biddle and Tenth; that is a grocery store; and he 164 wouldn't know me. He was inside there; and then I called on Mr. Lucas, who lived right next to me, that I could step right off my window into his place; and he was there, too, and they both refused me; and I had been buying my groceries of them ever since I moved there, for thirteen months.

Q. What were the politics of those two men, Heitkamp and Lucas?—
A. They were Democrats. They said they didn't know nothing about me; although I had been buying my groceries there of them for thirteen months.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Well, did they, or did they not, show you the list?

WITNESS. List of what?

COUNSEL. Of voters.

165 **A.** They looked for my name and said my name was not on.

Q. Who else was in the place besides Lucas and Heitkamp?

—**A.** I don't know the others.

Q. There were other election officers there, were there not?

WITNESS. You mean judges?

COUNSEL. Yes; there were Republican judges.

A. I suppose so. They didn't know me, you know.

Q. The Republican judges reported that your name was not on that list?—**A.** Yes.

Q. And they all agreed to that?—**A.** Yes.

Q. Republican and Democrat?—**A.** Yes, sir.

166 **Q.** They then told you that they couldn't receive your vote unless your name was on the book, and it was not on the book?—**A.** Yes, sir; it was not on the book, and the shame of it was two men living right there, right adjoining by, wouldn't know me.

Q. When they said that you couldn't vote there you went away?—**A.** Yes, sir; I got my receipts, my house receipts, for thirteen months' rent and showed them, and they wouldn't take them; and I says to Mr. Heitkamp, "Don't you know me; don't I buy groceries from you every day?" And he says, "I don't recollect ever seeing you before in my life." I says, "Mr. Lucas, don't you know me?" And went on to tell him where he had seen me, but he didn't know me either. I spoke to him particularly because I had been to his place some time before that when I was going to get registered, and asked him to please be so kind as to write my name and the number of my house on a piece of paper, so that I could take it to the city hall and be registered, and he put the number of my house and my name both on that ticket, and yet, when I went there to vote at the poll he says he didn't recollect ever having seen me before.

Q. But you have no doubt of the fact that your name was not on the list that day; that it was left off through some mistake?—**A.** I suppose so.

Q. They spoke the truth that your name was not on the list?—**A.** Yes, sir; but they didn't speak the truth when they said they didn't know me.

Q. Did you offer them your ballot again after you brought your rent receipts?—**A.** Yes, sir.

Q. And they said that they couldn't take it?—A. Yes, sir; when my name was not on the list.

168 Q. Then you went away?—A. Then I went away.
Signature waived.

At this point a recess was taken until two o'clock this afternoon, at which time all parties in interest being duly assembled and announcing themselves ready to proceed, the examination of witnesses was thereupon resumed and the following testimony was elicited.

169 HENRY BETTS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. Henry Betts.

Q. Where do you live?—A. I live on Ninth street.

Q. Whereabouts on Ninth; what is your number?—A. 1006 North Ninth.

Q. How long have you lived there, Mr. Betts?—A. I have been there six months.

Q. Do you know what month you moved there in?—A. I think in the month of April; I think it was.

Q. How long have you lived in Saint Louis?—A. Seventeen years.

Q. Where were you born, Mr. Betts?—A. In Virginia.

170 Q. Have you ever lived anywhere else except in Virginia and ~~here~~?—A. No, sir.

Q. How old are you, Mr. Betts?—A. Eighty-three.

Q. You are a colored man, and used to be a slave?—A. Yes, sir.

Q. Did you register last fall just before the election last November?—A. Yes, sir.

Q. You went to the city hall to register?—A. Yes, sir.

Q. Did you go to the polls to vote?—A. I went to the polls, but they didn't let me vote.

Q. Why not?—A. Couldn't find my name on the book.

Q. Where were your polls that you went to?—A. Seventh street.

Q. Whereabouts on Seventh street?—A. Between Wash ~~and~~ Carr.

171 Q. Which side of Seventh?—A. On the west side of the street.

Q. Are you a Republican?—A. Yes, sir.

Q. And offered to vote it?—A. Yes, sir.

Q. Why wouldn't they let you vote?—A. Because they couldn't ~~find~~ my name on the book; that was it.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Betts, are you sure that you went to your proper polling district?—A. Yes, sir.

Q. Might you not have been mistaken about that, and that it ~~was~~ proper for you to vote on the other side of the street, at another ~~dis-~~ tract?—A. No, sir. I don't know; they told me that was my right place to go to vote.

172 Q. Somebody told you it was the right place?—A. Yes, sir.

Q. There was a poll across the street from this, was there not?—A. No, sir; there was not.

Q. Well, there was a poll in neighborhood, was there not?—A. Yes, sir; there was a poll on Ninth street, between Biddle and Carr.

Q. Did you go up there?—A. I went there because this gentleman ~~told~~ me that was not my place on Seventh street.

Q. Did you yourself know what was your proper district in which to vote?—A. No, sir; I didn't, particularly, except what I was told.

Q. You went to a place where you used to vote, and they told you that that was not your polling place?—A. Yes, sir.

Q. And then you went to another place, and they told you that ~~173~~ your name was not on the list furnished to them?—A. Yes, sir.

Q. Well, now might there not have been a third place, a third polling district where you might have found your name?—A. I don't know any one nigh; there was one up on Wash street, between Tenth and Eleventh.

Q. Well, the most intelligent merchants frequently have to travel from poll to poll to find out just where they have to vote, do they not?—A. Yes, sir.

Q. You say you have been living for six months at 1006 North Ninth street?—A. Yes, sir.

Q. Where did you live before you moved to that house?—A. I lived between Tenth and Eleventh; lived in the alley between Tenth and Eleventh.

Q. What street?—A. Wash street and Franklin avenue.

Q. And you registered from there at the city hall, when you ~~174~~ went there?—A. Yes, sir.

Q. There was no change in your registration?—A. No, sir.

Q. After you moved?—A. No, sir.

Q. You simply offered to vote at the poll, when you went there?—A. Yes, sir.

Q. That was all?—A. Yes, sir.

Q. You didn't get any transfer at the city hall when you moved?—A. No, sir.

By Mr. POLLARD:

Q. Where did you live when you registered at the city hall the last time?—A. Right where I am now.

Q. You registered at the city hall, you say, only a few weeks before the last election?—A. Yes, sir.

Signature waived.

~~175~~ H. W. PECK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. H. W. Peck.

Q. Where do you live?—A. I live on Eleventh street, 1109 North Eleventh.

Q. How long have you lived there?—A. I have lived off and on for about four months there at that place.

Q. Where were you living on election day?—A. I was living at that place.

Q. How long before the election had you lived there?—A. I lived right on Twelfth street.

Q. You mean at this number?

Mr. DONOVAN. Let him answer the question; don't choke him off that way.

By Mr. POLLARD:

~~176~~ Q. I mean how long had you lived at 1109 North Eleventh before the election, if you did live there on election day?—A. About a month before the election.

Q. Where did you live before?—A. 1106 North Twelfth.

Q. That would be in the same block that this 1109 was?—A. Yes, sir.

Q. How long had you lived at 1106 North Twelfth?—A. I have lived there five months.

Q. How long have you lived in Saint Louis?—A. I been a year; on the 15th of last October a year.

Q. Where did you come from here?—A. From Louisiana.

Q. Were you born in Louisiana?—A. Yes, sir.

Q. Had you ever lived anywhere else except Louisiana and here?—A. Yes, sir.

Q. Have you ever lived out of the United States?—A. No, sir.

Q. Did you register last fall?—A. No, sir; I was rejected.

177 Q. Did you go to the city hall to register?—A. Yes, sir.

Q. And they wouldn't register you?—A. No, sir.

Q. Why not?—A. They said they didn't think I had been there long enough. The first day that I came there they asked me to come back the next day; and the next day they told me I couldn't register; they had been told that I hadn't been in the city long enough. On election day I attempted to register at the polls and they refused me there.

Q. At what polls?—A. One hundred and seventeen.

Q. Is that the number of the precinct?—A. That is on Twelfth and Carr.

Q. On the corner of Twelfth and Carr?—A. Yes, sir.

178 Q. Where were the polls, what building?—A. Where they used to have a policy office, a lottery office; I thought it was one hundred and seventeen. I may be mistaken.

Q. Are you a man of family?—A. Yes, sir.

Q. Is your family here?—A. Yes, sir.

Q. How long have they been here?—A. Ever since I been here.

Q. Came with you?—A. Yes, sir.

Q. You say you offered to register there?—A. Yes, sir.

Q. Did you go to the polls and offer to register there?—A. Yes, sir; I offered to register at the polls.

Q. Why didn't you register there?—A. They said they didn't think I had been there long enough.

Q. Was that the only reason they gave?—A. That was the only reason they gave.

Q. Did you offer to vote there?—A. Yes; I offered to vote.

179 Q. What ticket?—A. Republican ticket.

Q. Straight?—A. Straight; yes, sir.

Q. How old are you?—A. Thirty-two years old the 15th of next month.

Q. You are a colored man?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When did you go to the city hall to register?—A. It was in October.

Q. And in what month did you come to the city of Saint Louis?—A. I come to the city of Saint Louis the 15th of last October it was a year ago.

Q. And on what day in October did you go to the city hall to register?—A. It was along about the 19th or 20th; I am not certain of the date.

Q. Who did you see at the city hall when you went there?—A. There was a great crowd there; the house was full.

Q. But whom did you see?—A. I saw Mr. J. S. Smith and others there.

Q. I am not asking about those that were outside. What officer did you see?—A. I went to the gentleman that was standing registering. I didn't know his name particularly. I went where I saw all the rest of the colored people go.

Q. And you saw them registering colored people?—A. Yes, sir. I went to the right place where they were going into the door.

Q. And he was registering colored people?—A. Yes, sir; that is where they were mustering them up again.

Q. Well, he made an investigation of the facts in your case? 181 —A. Yes, sir; he asked me my name; how long I had been here.

I went on to explain to him, and he says, "You come back tomorrow; you can't register to-day." But I didn't go back there for two or three days, and then I went back again and he rejected me; told me I couldn't register.

Q. He told you that under the law he couldn't register you?—A. Yes, sir.

Q. They told you the same thing at the polls?—A. Yes, sir.

Q. What was your business?—A. General labor, sir; anything I can get to do.

Signature waived.

182 CHARLES GREELOW, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. Charles Greelow.

Q. How do you spell it?—A. I can't read, and I can't spell.

Q. Where do you live?—A. I live on North Seventh street.

Q. What number?—A. 1018.

Q. How long have you lived there?—A. About two years and a half.

Q. How long have you lived in Saint Louis?—A. I have been in Saint Louis two years and a half.

Q. Where were you born?—A. In Indianapolis, Ind.

Q. Have you ever lived at any other places except there and here?—

A. No, sir.

183 Q. You are a colored man?—A. Yes, sir.

Q. How old are you?—A. Twenty-four.

Q. Did you register here last fall before the election at the city hall?—A. I was not here.

Q. Did you register at the polls?—A. I tried to register, but they wouldn't let me.

Q. Why not?—A. I don't know, sir; the man there told me I couldn't vote; I don't know who he was.

Q. What polls did you go to? Where were they, if you don't know the number?—A. It was above Seventh street; I can't call the name of the street.

Q. What street was it on?—A. On Fifth street, I believe.

Q. Do you know the number of your precinct where you went?—A. No, sir.

Q. Do you know whether it is precinct forty or not?—A. No, sir.

184 (Mr. Donovan, counsel for the contestee, objects to the question, inasmuch as the gentleman states that he does not know the street that the poll was on, and has distinctly stated that he didn't know the number of the precinct.)

By Mr. POLLARD:

Q. Did you say it was on Fifth street where you voted?—A. Yes, sir.

Q. Was it on Fifth, between Wash and Biddle?—A. Yes, sir; between Wash and Biddle.

Q. Which side of Fifth street was it on?—A. Why, on the right-hand side.

Q. Right-hand, going which way?—A. Towards the levee.

Q. That would be the east side?—A. Yes, sir.

Q. And you offered to register there?—A. Yes, sir.

Q. Why wouldn't they register you?—A. I don't know, sir; I 185 went there, and they told me to wait till the judge come. I went there about twelve o'clock and the judge was gone, and he come back, and he asked me where was I residing before, and I said in Indianapolis, Ind., and he says I hadn't been in this town long enough. I told him I had been here two years and a half. Then he told me to come back, and I staid around there all the evening. I put my vote there and they didn't take it.

Q. When he came back did you offer again to register?—A. Yes, sir.

Q. What did he tell you was the reason why he wouldn't register you?—A. I stood there, but he never did register me.

Q. Did you offer your vote to the judge at the window?—A. Yes, sir.

186 Q. You presented a Republican ticket there, did you?—A. Yes, sir.

Q. What did they do with that ticket?—A. They took it and looked at it and put it on the window, it seems to me, and told me to stand there until they called me, and I stood there; but they never called me again.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You didn't offer to register at the polls, but you simply offered to vote there?—A. Yes, sir; I tried to register.

Q. And the judge told you to come back?—A. Yes, sir.

Q. Well, did you come back?—A. Of course I come back.

Q. How often did you approach the window there?—A. Well, I was there half a day.

187 Q. How often did you get in line and come to the window?—A. I come there over a dozen times.

Q. To the window?—A. Yes, sir; I stood there.

Q. Well, the judge told you each time to come back, did he?—A. Yes, sir; the last time I went there he told me that he couldn't take my vote, and I just stood there and talked with him, and he said he couldn't take it, and he went in the house talking about it.

Q. Who was talking about it?—A. The men that was in there.

Q. The judges then were talking about it?—A. Yes, sir; I wanted them to take my ticket and they wouldn't take it; and so they talked about it.

Q. So you went to the window then twelve times during the course of the day and the judge told you to come back each time?—A. 188 Until the last time he did and then he told me I couldn't vote.

Q. They told you twelve times to come back, and the last time they told you that you could not be received?—A. Yes, sir.

Q. Well, what was the necessity of your coming there twelve times during the course of the day?—A. Well, I was just standing around there; they told me to wait there.

Q. Wait there for what purpose?—A. He told me he would see to my vote there; and I just stood there.

Q. Was this the answer that you got each time?—A. Yes, sir.

Q. Was there a long line of voters there?—A. Oh, yes.

- Q. There was a Republican and a Democratic judge also?—A. I don't know; I guess there was; I ain't sure about that.
- 189** Q. And they all heard what was said to you at the window, to come back?—A. Yes, sir.
- Q. You came back alone each time?—A. Yes, sir.
- Q. They said nothing to you then but to come back?—A. They told me about a dozen times to come, until the last time they told me there was no use in my coming back; they couldn't take me.
- Q. Was your name on the registration list?—A. Yes, sir; I guess it is; it ought to be.
- Q. You didn't register at the city hall?—A. No, sir; I didn't register at the city hall.
- Q. Well, if you didn't register at the city hall your name could not be on the list, because they got their list at the city hall.—A. I tried 190 to register at the poll; I seed some of them there registering.
- Q. Who did you ask to register you?—A. I asked a colored man, and a white man.
- Q. Outside of the polls?—A. No, no.
- Q. Colored men inside of the poll?—A. Before I went there.
- Q. Oh, you asked some parties to register you, before you went there?—A. Yes, sir.
- Q. Outside; some friend of yours?—A. Yes, sir; outside.
- Q. Well, you are sure your name was not on the list at the city hall?—A. No, sir; I know it was not.
- Q. You were away from the city during these two years?—A. Yes, sir, railroading; and on the river to New Orleans and Vicksburg.
- Q. Did you vote down in the second district on that day?—A. No, sir.
- 191** Q. Were you requested to vote down in the second district?—A. No, sir.
- Q. That is, did anybody try to get you to vote down in the second district?—A. No, sir; nobody didn't try to get me to vote in the second district.
- Q. Well, then, that is all that you did there, was to try to vote at the window, and the judges said they couldn't receive you, and you asked somebody outside, some colored friend of yours, to register you?—A. I asked them what was the reason they wouldn't allow me to vote there.
- Q. That is all?—A. They said that I hadn't been in town long enough. I told him I had been here two years and a half, and he talked with me. I can't remember all that I told him. He said I had 192 to bring the man that I was living with.
- Q. And then you asked this friend of yours on the outside to register you, this gentleman that you spoke off?—A. No, no.
- Q. I understood you to say that the person that you asked to register you was a colored man, a friend of yours; and a white man on the outside?—A. No; I know he couldn't register me.
- Q. Are they or are they not the men that you asked in regard to registering, or in regard to registering?—A. Well, some of them were registered and some of them were not.
- Q. What do you mean by some of them were and some of them were not?—A. Some of them voted and went away, and others didn't vote.
- Q. And these are the parties to whom you talked about registering?—A. Yes, sir; it was there.
- 193** Q. I ask you whether these were the only parties to whom you talked about registering?—A. Yes, sir; they was the only ones.

By Mr. POLLARD:

Q. Did you ask any one inside of the house there to register that is what I want to know, or did you not?—A. No, sir; I did

Q. Did you go to the window and ask there to be registered a window?—A. Yes, sir.

By Mr. DONOVAN:

Q. Did you ask to vote or to register, which; you asked to vote? I asked to vote.

By Mr. POLLARD:

Q. That was all?—A. Yes, sir.

Q. Didn't say anything about registering?—A. No, sir.

194 Q. Who did you speak to about registering?

(Mr. Donovan, counsel for the contestee, objects to the question, because the witness has distinctly stated what he did there, there is no use going over this matter any further.)

By Mr. POLLARD:

Q. Who did you speak to about registering?—A. I spoke to one of my friends, a white gentleman.

By Mr. DONOVAN:

Q. On the outside?—A. On the outside.

Signature waived.

195 H. T. BARKUS, produced, sworn, and examined on the part of the contestee, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name, sir?—Answer. Henry T. Barkus.

Q. Where do you live, Mr. Barkus?—A. I live on Eleventh street 1109 in the rear; North Eleventh betwixt Carr and Biddle.

Q. How long have you lived there?—A. I have lived there about two months.

Q. Where were you on last election-day?—A. I was there and at the polls together.

Q. What polls?—A. I was voting at precinct, I think it was Twelfth street there; that is where I attended the polls, betwixt Tenth and Eleventh on O'Fallon; the precinct I think it was fifty or fifty-one or something of that kind.

196 Q. On O'Fallon, between Tenth and Eleventh?—A. Yes.

Q. Did you see a disturbance there on that day?—A. I did see any to say disturbance, only whilst I was holding some tickets there was five young men come down from the upper part of the city to and asked me for to let them see the tickets, and they took them tore them up, and threw them in my face, and said that was not right kind. During the day I was there from 5 o'clock until 7, then they shut up. I went in company with Mr. Goodall and some others I saw nine men there that didn't vote.

Q. Do you know their names?—A. I know the biggest part of them.

Q. Who were they?—A. I can't state all that there was; some I state, and some I can't; the full name of one is William; he lived

197 right across on that side of the street. [Indicating.]

Q. Was that William Coleman?—A. Yes, sir; and one John McDowell that lived in the alley on that side [indicating] think his number was 1316 North Twelfth street in the rear, but

fact is it has been so long, gentlemen, and there is so many names, that I have forgotten them.

Q. How long have you known Mr. McDowell?—A. I have known McDowell about five years, but he has not been here five years.

Q. How long has he lived in the city to your knowledge?—A. He has been living in the city to my knowledge, let me see, he come here last March a year ago with me; them five years that I spoke of I have known him in other places; I was acquainted with him before he came here.

98 Q. How old a man is this man McDowell; about how old?—
A. I would take him to be, well, going on thirty-one or thirty-two years old.

Q. Was he a registered voter here?—A. Yes, sir; he was.

Q. How do you know?—A. Because he went there with me to register; I went to the polls with him myself.

Q. Did he offer to vote on that day?—A. Yes, sir.

Q. Why didn't he vote?—A. In the first place, his name was not on the registration sheets there. Then I gave three of them tickets; I was holding tickets there; then he comes back and says that his name was not there. You see he went up to the voting place after I gave him a ticket, and then he came back to me where I was; then I went myself

199 and Goodall to see if we could get them in, and the gentleman said, "This man has been here once before this morning;" and says he, "You go 'way from here, and don't you come back here any more;" I says, "Mister, can't we swear this man's vote in; won't you let him swear his vote in;" and he says, "Get away from these polls." Well, about that time two white gentlemen was there; one said he was staying at the post-office; he says, "You go and get them to come back;" and I says, "Well, there aint no use in that; they won't let them vote;" and one of these gentlemen says to me then, "Do you know any of these parties;" I says, "Yes; I know them, and there is a lot more of them that I know that are entitled to vote." Then these young men told them to go up to the polls and see whether they would let them vote, but they didn't let any of them vote there at all.

200 Q. I don't know the names of these gentlemen; I know one of them said he was from the post-office down here; I would know them if I should see them; if you can find them they could tell you more about him I can. I believe one of those gentlemen's name was F. A. Wind.

Q. His name is F. A. Wind?—A. Yes, sir; he says his name was Wind.

Q. What was the name of the other?—A. I don't remember now, but it was something like Haagsma.

Q. Do you know whether Mr. McDowell had a ticket there to vote that day?—A. He had a registering ticket.

Q. No, but did he have a ballot to put into the box?—A. I gave him a ticket to vote.

Q. Was it a Republican ticket?—A. Yes, sir.

201 Q. Straight Republican ticket?—A. Straight Republican ticket.

Q. Do you know whether that was the ticket that he wanted to vote that day?—A. Yes, sir; that is what he wanted to vote. He went here with that ticket in his hand folded up.

Q. He is a colored man, is he?—A. Yes, sir.

Q. How long had he lived here?—A. He has been living there in that place I reckon about fifteen months to the best of my knowledge; because I have been living up near that place twelve months myself, and then I lived on Christy avenue three months, and then I lived down 'twixt Eighth and Ninth.

Mr. POLLARD. That will do. Take the witness.

Cross-examination by Mr. DONOVAN, counsel for contestee:

202 Q. Now, these colored men of whom you have spoken, the cause was taken up by this man Wind and another name Haagsma, and they went to the judges to see about them!—A. Yes sir; at least these gentlemen told me to go and get them and bring them back, and see if they could get them in. They staid back and told them to go and see if they would take them in again, and they wouldn't take them in.

Q. And then one of these two white gentlemen, the one from the post-office, went up to the judges to see about it!—A. They didn't go to the judges; they sent these colored men up to the judges; the wanted to see for themselves. So they sent these colored men up there and they stood by them. That is, they went up there to the polls themselves, the colored men did. No one took any one up there; the 203 said they wanted to see if they could get their ballots in; the this man Coleman, I think, they carried him to Biddle street and tried to get him in there at that poll, but they didn't take any of these five up there that lived in the alley. I can't think of the men's names just now. I don't remember it now.

Q. You voted yourself!—A. Yes, sir.

Q. And you staid at the polls all day!—A. No, not all day. I staid at the polls on Tenth, between Biddle and O'Fallon.

Q. You spent the day in electioneering!—A. Yes, sir. I attended to our party.

Q. What sort of tickets were these that these five young men took up?—A. Republican tickets; they was not Chronicle tickets. 204 The man who spoke of the Chronicle tickets was a gentleman that came there about ten o'clock, and he talked to the crowd and said that the Chronicle tickets was a fraud.

Q. That is, a fraud on the voters!—A. I didn't know nothing except what was spoke there.

Q. Well, you don't know the names of any of these five men!—A. They was white men; they seemed to be.

Q. You don't know the names of these five negroes!—A. Yes, sir I know Jake and John McDowell and Davenport.

Q. Those are the only names that you can give!—A. Well, then this Henry that lived over on that side of the street in the alley there, knew him.

Q. Did you take those men to any other poll?—A. No, sir; 205 did not. I didn't go there to do that. They said that was the polls where they was to vote.

Q. But the judges didn't find their names on the registration list?—A. So they said.

Q. And for that reason they couldn't vote there!—A. I offered to take them up, and asked them for to be sworn in; that I could vouch for one of them, that I had went with him to be registered, and that was this Mr. McDowell; I wanted to prove that he had a right to vote because I have known him to be here since about the 6th of March, must be two years ago.

Q. Now, what was John McDowell's business?—A. Well, John McDowell has been a farmer; his business is farming; but he was working at laboring work on the levee, and wherever he could get it. 206 We all come from below Vicksburg and Louisiana.

Q. And he has lived off and on at various places in the city during the time that he has been here!—A. Well, I suppose he has

I couldn't exactly state where the man has been, but I know I have seen him working on the levee down there; and I have seen him drive a wagon sometimes.

Q. I say he has been living at various places off and on during his residence in this city?—A. I don't think he has been living anywhere except up there on Twelfth and Eleventh; I think his number is 1316, in the rear, upstairs.

Q. Did you ever visit him there?—A. I have been in his place.

Q. Were you ever at his house?—A. Yes, sir.

Q. Did you go there to get him to vote?—A. No, sir; no, no; 207 that was before the election, two or three weeks before the election, that I was down there at his house. I was down there and talked with him not about election affairs, but just simply to go and see a friend.

Q. Do I understand you to say that he at one time had been registered at the city hall?—A. He went there for to register.

Q. When did you go there?—A. I think I went down, as near as I can get at it, about a month before the election. I saw many people going down there, so I went there too; there was a great many went down there to register before the crowd began to come in.

Q. I suppose you were employed to electioneer, were you not, for the Republican party?—A. No, sir; no, sir.

Q. What was your business?—A. Well, no business lately, to 208 tell you true; my whole business that day was holding tickets; I went to Mr. Cohen, I met him on the street in a little buggy, and he had a whole lot of little tickets in his hand; a lot of Republican tickets in the buggy, carrying them around to the precincts. I asked him if he wanted any assistance to distribute the tickets, he said yes, and handed me a lot of tickets which I took and held them. I stood on the corner from then until night time with them tickets. I stood there with the tickets in my hands. I asked him for the tickets. That was what I was doing there that day. I wasn't electioneering, anything of that kind, at that poll. I never saw that man again that day.

Q. What is your business now?—A. My business now—my business 209 is cook by trade, but then I was a merchant for the last twenty years. I don't look like it, you know, but I am. I worked awhile at the Silver Moon down here (restaurant), and then I worked in a saloon awhile, cooking. I have been away from there—I didn't stay there but a month. I come away from there; that has been some time; six months ago. I didn't stay there over two or three weeks.

Q. Well, these men of whom you have been speaking, you don't know whether they were registered or not?—A. I know McDowell was registered, and I know this man Henry was, that was in the place there on that side of the street. I don't know his last name.

Q. But you didn't know his last name until these gentlemen 210 here asked you whether it was Coleman?—A. I don't know whether they said Coleman or not, but my memory is that it is Henry Coleman.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Friday, February 11, 1881, then to be continued at the same place, at the hour of half past nine in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 12.

1 Pursuant to adjournment as above stated, on the 11th day February, 1881, at the hour of half past nine o'clock in the forenoon, I continued the taking of these depositions, as follows:

ISAM POPE, produced, sworn, and examined on the part of the testant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Isam Pope.

Q. Where do you live?—A. I live at Mr. Quincey's building, between Tenth and Eleventh and between Cass avenue and O'Fallon; live the rear of that place; that is, between the two streets.

Q. How long have you lived there?—A. I have lived at that place three years.

Q. How long have you lived in Saint Louis?—A. I have lived here seven years.

Q. You are a colored man?—A. Yes, sir.

2 Q. Where were you born?—A. I was born in Middle Tennessee; I was raised there—no, I was born in North Carolina.

Q. You never lived in any other State except in North Carolina, Tennessee, and this State?—A. No, sir.

Q. How old are you?—A. I am going on seventy-three.

Q. Did you register last fall before the election at the city hall? A. No, sir; I didn't. No, I had registered, because I was sworn in the other election.

Q. You had been registered at the other election before this?—Yes, sir.

Q. At the city hall?—A. Yes, sir.

Q. That was some elections ago?—A. Yes, sir.

Q. Did you go to the polls to vote last November?—A. Yes, sir.

Q. Whereabouts were those polls?—A. The polls was there O'Fallon street close to Biddle market.

3 Q. On O'Fallon street close to Biddle market?—A. Yes, sir.

Q. Which side of O'Fallon street?—A. Well, it was on the left hand.

Q. Going which way?—A. Going up to the market.

Q. On the left-hand side. That would be on the south side of the street, wouldn't it?—A. Yes, sir.

Q. Between what streets?—A. Between O'Fallon and Cass avenue and the other way was between 10th and 11th.

Q. That's where you live?—A. Yes, sir.

Q. Where were the polls that you went to on that day, that is where I want to know?—A. The polls were up there near Biddle market.

Q. On what street?—A. On the same street.

Q. On Biddle Street or O'Fallon street?—A. On O'Fallon.

Q. On this side of O'Fallon?—A. Yes, sir.

4 Q. Between what streets; the polls I mean?—A. The polls was very close to the corner; not exactly on it. I never noticed how near they was to it.

Q. What streets?—A. They was near the corner of 10th and 11th.

Q. Then it was between 10th and 11th on O'Fallon?—A. Yes, sir.

Q. The polls were?—A. Yes, sir.

Q. How placed? Were they in a saloon or a barber-shop, or what was it?—A. No, sir; it was just at a house. I didn't notice nothing about that.

Q. You don't remember the number of the polls, I reckon?—A. No, sir; I don't.

Q. You went there on election day?—A. Yes, sir.

Q. Did you offer to register your name there on election day?—A. Yes, sir; they was two men there—Mr. Jones and them. They was there, and they asked me how long I have been living there, and 5 they said they couldn't swear for me.

Q. That they wouldn't let you swear in your vote?—A. No, sir; they didn't let me swear in my vote.

Q. Why not?—A. Because they wouldn't.

Q. What reason did they give? What did they say was the reason?—A. They said I was objected; hadn't been registered, and couldn't vote there.

Q. Did you have a ticket there to vote if you had been permitted to vote?—A. Yes, sir; I had a ticket in my hand.

Q. What ticket was it; what party?—A. It was for the Republican party.

Q. Straight Republican ticket?—A. Yes, sir.

Q. And that was the ticket that you proposed to vote, was it?—A. Yes, sir; there was some of the men there—

Q. Did you vote it that day?—A. No, sir.

6 Q. Didn't vote any place?—A. No, sir; no place at all.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Pope, had you moved from one place to another in that alley any time before the election?—A. I hadn't; I had been at that place for three years; but I had moved from where I had voted before.

Q. And where you registered from before?—A. Yes, sir; I was registered, I think, it was six blocks from where I offered to vote at.

Q. And the judges told you that they couldn't transfer you on election day?—A. No, sir.

Q. That is, they told you that you couldn't transfer on the day of election?—A. No, sir; they said I couldn't.

7 Q. That they had no right to transfer you, you having been previously registered?—A. No, sir.

Q. From another place?—A. No, sir; I wanted to be registered and would have been if I had known it in time; but you see I didn't know it in time; I thought it was just as before—just swear me in.

Q. The men that you spoke to were prepared to show that you lived at this last place that you spoke of?—A. Yes, sir; they went to the place.

Q. And that is what they wanted to certify to?—A. Yes, sir.

Q. But you having informed the judges that you were registered from a different precinct, they said it was not in their power to make a transfer on election day?—A. That is what they said; that they wouldn't let me vote.

8 Q. And couldn't make a transfer on election day?—A. No, sir.

Q. That is what they said to you?—A. Yes, sir; that is what they said to me.

By Mr. POLLARD:

Q. You are a colored man, are you?—A. Yes, sir.
Signature waived.

9 JOHN BELLVILLE, produced, sworn, and examined on the
of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. John Bellville.

Q. Where do you live?—A. I live on 9th street between Biddle
Carr.

Q. What is your number?—A. I couldn't tell you the number
I don't know the number; in fact the house has been new pa
and the number has been rubbed out.

Q. Is that in the rear?—A. I have to come in my place in the
but my room fronts on 9th street; the entrance is in the alley.

Q. How long have you lived there?—A. I have lived there, sir,
since June, last June.

Q. How long have you lived in Saint Louis?—A. About twenty
or twenty-two (22) years.

10 Q. You are a colored man?—A. Yes, sir.

Q. Where were you born?—A. I was born and raised in
State of Kentucky, Garrard County.

Q. Have you ever lived in any other State than Kentucky and
souri?—A. Yes, sir; I have been in Kansas City fourteen month
fore I came here.

Q. Those are the only places you ever lived in?—A. Those are
only places I have ever lived in.

Q. How old are you?—A. Well, I was fifty-six (56) years old
nineteenth (19th) day of December last.

Q. Did you register at the city hall just before the election las
tober or September or any time?—A. No, sir.

Q. Did you go to the city hall to register?—A. I did, sir.

Q. Why didn't you register?—A. That is for you to say.
11 Q. What reason did they give for not registering you?

Well, the reason they gave me was I was too late. I was very
as I can show you, and they told me I was too late.

Q. Too late in the day?—A. It was too late in the night they
but there was other men went in that time; white men, but not co
men.

Q. Did you go to the poll on election day?—A. Yes, sir.

Q. Where are those polls?—A. On Seventh street between B
and Carr.

Q. Well, did you register there?—A. No, sir.

Q. I will ask you now which side of 9th do you live on?—A. On
east side of 9th street.

Q. The side next to the river?—A. Yes, sir; right upstairs ove
furniture store.

Q. Which side of 7th street were these polls on?—A. On the
side.

12 Q. Well, you say you offered to register there?—A. I did
Q. Did you register?—A. No, sir.

Q. Why not?—A. They wouldn't let me, they took my ticket
looked at it, and one man tore it in two and flung it down.

Q. What ticket was it?—A. The one that I wanted to vote.

ticket that I had had some names on it that I didn't want, that was Democrats, and I scratched them off. I handed this ticket in to the gentleman there and he didn't want to take it. He looked at it and then tore it up and throwed it on the floor.

Q. Who did you go to and offer to register?—A. I don't know who the man was at all.

Q. Was he outside or inside?—A. He was inside.

Q. You told him you wanted to register?—A. Yes, sir; and 13 . he said, says he, now this was outside—says he, "You can't register here, you ought to have registered three weeks ago."

Q. Did you vote that day?—A. No, sir; I aint voted at all.

Q. What are your politics, Republican or Democrat?—A. I never voted for any Democrat, and I am never going to give any man a stick to break my head with.

Q. You are a Republican?—A. I am, and will die one, because I am getting old and I don't want to give any man a stick to break my head.

Q. Did you have a Republican ticket to vote there that day?—A. Yes, sir.

Q. And persisted in voting it?—A. Yes, sir; they wouldn't allow me. I scratched these Democrats out, every one, Frost's name particularly.

Q. Who did you want to vote there for for Congress—for Sessinghaus?—A. For Sessinghaus, he was one man.

14 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You say you scratched all the Democrats off your ticket?—

A. All that I know was on it; all those names; yes, sir; but all the names I don't recollect; but Frost was one man particularly that I did scratch out; I wanted him out.

Q. And you are in the habit of voting the straight Republican ticket?—A. Yes, sir; I am for a fact; no other ticket will I ever vote.

Q. And you stated that you had a straight Republican ticket in your hand to vote?—A. There was Democratic names on it, and I scratched the Democratic names out.

Q. Then it was a straight Republican ticket having the names of some Democrats on it?—A. I scratched them out.

15 Q. But it couldn't be a straight Republican ticket if there was Democrats on it?—A. I didn't have nothing but a straight Republican ticket; there was Democratic names on it and I scratched them off.

Q. Then it was not a straight Republican ticket that you had in your hand?—A. That was the ticket that I wanted to vote; I am not as well learned as you are, gentlemen; I can't read all these things.

Q. A straight Republican ticket is a ticket with nothing but Republicans on it; now if there were Democrats on that ticket before you got it in your possession then that wasn't a straight Republican ticket; now do you understand that?—A. Yes, sir.

Q. Well, then, are you now prepared to say whether it was a straight Republican ticket or not?—A. No, sir; I don't know.

16 Q. But you so stated in your direct examination?—A. I did, because I didn't know it was. I don't know the difference between the two tickets, but the different electors' names I can read on the ticket, and I scratched them out.

Q. What was at the head of your ticket?—A. I believe it was Frost at the head of my ticket, I think, as well as I can recollect.

Q. Do you know whether there was a ticket issued that day with Frost's name at the head of it?—A. I couldn't say.

Q. Wasn't James A. Garfield's name at the head?

WITNESS. Garfield?

COUNSEL. Yes, sir.

A. No, sir; Garfield's name wasn't on this ticket—yes, Garfield's name was on this ticket.

Q. At the head of the ticket?—A. It may have been, sir; I don't know, it may have been.

Q. Not Frost?—A. Garfield is the man that I wanted to vote for.

Q. Wasn't the ticket which you held in your hand what is 17 known as the "Chronicle ticket"?—A. I don't recollect; I expect the man I was working for is a Republican man, and he gave me the ticket.

Q. But there was a ticket called the Chronicle ticket which was designed to deceive voters, and was headed "Chronicle ticket." On this ticket were Democrats and some Republicans?—A. That is the kind of a ticket that I had, there was Democrats and Republicans on it.

Q. Then it was a "Chronicle ticket"; a spurious ticket?—A. I can't say, sir.

Q. And that is the reason the judge tore it up, because he didn't believe it was lawful.

WITNESS. Well, why wouldn't he let me register at the office when I went there. I was there three different times.

Q. Mr. Bellville, that is not the question that I asked you.

(Question read by the notary.)

Q. That is the reason he tore it up. Now you was not registered?—A. No, sir; I was not.

Q. Either at the city hall or at the poll?—A. No, sir; I did not—

18 Q. Did you bring anybody to identify you there?

WITNESS. At the city hall?

COUNSEL. At the polls?

A. No, sir; I did at the city hall.

Q. What was the hour that you arrived at the city hall?—A. It was about half past six o'clock.

Q. It was after office hours?—A. No, sir; it was not.

Q. What are the office hours at the city hall?—A. Nine o'clock.

Q. Was there much of a crowd in there?—A. Yes, sir; there was a big crowd in there.

Q. It was all that they could do to get through that evening?—A. No, sir; I don't know as there was such a crowd as that there; there was a pretty big crowd; but they allowed a white man to go in, and they did go in, and colored men couldn't get in.

Q. Were they clerks that went in?—A. No, sir; they were not clerks, because one of these went down as I did; no clerks about it.

19 Q. Do you know whether they were watchmen of the building or not?—A. No, sir; I don't; they went down as I did; they couldn't have been watchmen, and go down that way.

Q. You know that a great many white men, and Democrats, who arrived there at late hours were not permitted to come in on account of the crowd in the room?—A. This was not very late; only half past six o'clock; I went three different times to register, and couldn't register.

Q. How often did you change your residence in the city of Saint Louis?—A. The last time that I registered, I was living on 9th street, between Cass avenue and Mullanphy.

Q. You, then, had previously registered?—A. Yes, sir; I registered when I was living there.

Q. Did you go to the city hall and have a transfer made?—A. No, sir; I didn't.

Q. Then the judges at the poll informed you that it was not 20 within their power, under the law, to make a transfer on election day of anybody who had been previously registered?—A. Well, here is the "racket" that I got: A man who I was working for couldn't let me go off in the day-time to get registered; he said he couldn't spare me; says he, "You can register at the polls just the same." I asked at the hole—

Q. But that gentleman was mistaken in regard to the law, which is, that any party who has previously registered and failed to go to the city hall and have a transfer made, cannot have that transfer made on election day; that is what the judges told you?—A. I would have done it at the poll but they wouldn't let me.

Q. That is what the judges told you?—A. No, sir; they told me, "Just stand outside."

Q. You told them that you had been previously registered?—A. Yes, sir.

Q. Then they said, "If you have been previously registered, 21 and have not transferred you cannot vote"?—A. They asked me where I was voting; they took a book and found my name, I think.

Q. Didn't you know that if you were registered in a different precinct that your name wouldn't be on books of another precinct?—A. No; I was registered here, but if to-day I moved to another place, and then to-morrow I go to the polls I could tell you where I moved to, couldn't I?

COUNSEL. No doubt about that.

A. They wouldn't give me no chance to do it.

Q. Well, you had been previously registered; you so informed the judges, and they wouldn't permit you to make a transfer on that day?—A. No, sir; they wouldn't allow me to transfer.

Signature waived.

22 EDWARD TAYLOR, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by MR. POLLARD:

Question. What is your name?—Answer. Edward Taylor.

Q. Where do you live?—A. Tenth street, 1429, north.

Q. How long have you lived there?—A. I have lived there nine months the sixth of this month.

Q. How long have you lived in Saint Louis?—A. I have lived in Saint Louis all my lifetime.

Q. Were you born here?—A. I was born at Jennings Station, just outside of Saint Louis.

Q. How old are you?—A. Twenty-nine the sixteenth of last August past.

Q. Jennings Station is in the State of Missouri?—A. Yes, sir.

Q. Were you registered last fall?—A. No, sir; I had my name transferred.

23 Q. Did you go to have it transferred?—A. Yes, sir; I went to the city hall and had it transferred.

Q. Did you vote last November at the election?—A. No, sir; I did not.

Q. Did you go to the polls on last election day?—A. I went twice.

Q. What polls?—A. Tenth and Cass avenue, north side of O'Fallon street.

Q. Tenth and Cass avenue?—A. Tenth and O'Fallon, north side of O'Fallon street, the polls were.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. I was refused.

Q. Who refused you?—A. Well, I was refused in the office.

Q. What office?—At the polls, inside; I asked there. The supervisor said my name was not there. I asked him and he said it was not there.

I told him to look, and the police officer told me to get away and
24 don't bother the men. I said to him, "Look for my name, because my name is transferred." A young man standing outside of the polls he took my name, and he said to me, "Are you in a hurry?" I said to him I was not in a hurry, but I wanted to have the thing attended to. He said, "You better come back this evening." So I came back in the evening, but they wouldn't let me vote.

Q. What are your politics?—A. I am a Republican.

Q. And a colored man?—A. Yes, sir.

Q. You proposed to vote a straight Republican ticket?—A. Yes, sir—ever since I have been voting.

Q. And you didn't vote that day at all?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

25 Q. When were you transferred at the city hall?—A. Just two weeks before the election.

Q. How do you account for your name not being on the polling lists?—A. I don't know, sir; my name was put on the books at the city hall because I staid and signed it.

Q. Do you live front or rear of 1429 North Tenth?—A. Live right on the front of Tenth street.

Q. Do you know whether your name was erased?—A. I do not know, sir, whether it was or no.

Q. Did you offer to vote or offer to reregister?—A. I offered to register there at the poll too. They said to me, "We don't do such business." A young man stood outside and told them to register this man, meaning me. The police officer told me not to bother the men.

Q. You had had a talk with the officers inside?—A. Yes, sir.

26 Q. And you offered your vote there?—A. Yes, sir.

Q. And they said, inasmuch as your name was not there, they couldn't reregister you?—A. Yes, sir.

Q. Are you sure that you were at your proper polling precinct?—A. Of course I were.

Q. Where did you register from before?

WITNESS. When I last registered?

COUNSEL. Yes.

A. I registered at first—when I first registered, I registered on North Market, at the squire's place—where it used to be.

Q. That is a considerable distance from 1429 North 10th, is it not?—A. Yes, sir; it is a different precinct, but I had my number transferred, you know. I went down to the register, and they said they would transfer my name; they found my name and transferred my number; they said it was no use to register.

- 27 Q. What is your business?—A. Fireman.
 Q. Where?—A. Saint Louis saw-mill.
 Q. Well, when you went back the second time, did you go into the office?—A. Yes, sir; I went right into the office.
 Q. And you had another full talk on the subject?—A. Yes, sir.
 Q. And were told there by all the officers that you could not vote at that polls?—A. Yes, sir.
 Q. Did they give you any reason?—A. No, sir; they didn't give me any; just told me I couldn't vote there.
 Q. That is, after you gave them a full statement, all the officers told you that you could not vote there; that you were not properly qualified to vote there?—A. Yes, sir.

Signature waived.

- 28 SAMUEL SCOTT, produced, sworn, and examined on the part of the contestant, deposeth and saith:

- Direct examination by Mr. POLLARD:
- Question. What is your name?—Answer. Samuel Scott.
 Q. Where do you live, Scott?—A. Between Carr and Biddle, on Eleventh.
 Q. What number on Eleventh?—A. 1118.
 Q. North Eleventh?—A. Yes, sir.
 Q. How long have you lived there?—A. I have been there about four months now.
 Q. When did you go there, do you know?—A. I went there the 6th of October.
 Q. You moved there the 6th of October?—A. Yes, sir.
 Q. Where did you live at before you went there?—A. On Wash, 1011.
 Q. 1011 Wash street?—A. Yes, sir.
 29 Q. How long did you live there?—A. I never staid there no time at all hardly—only about a week.
 Q. Where did you live before you went there?—A. Well, I came up on the Grand Tower last March a year ago.
 Q. On the Grand Tower?—A. Yes, sir.
 Q. Where were you working—on the Grand Tower?—A. No, sir; I came up on her.
 Q. Came up from where?—A. From down below.
 Q. From what State?—A. From Alabama and New Orleans—just come up last March a year ago.
 Q. Have you lived here ever since?—A. Ever since here.
 Q. In Saint Louis?—A. Yes, sir.
 Q. How old are you?—A. I am about forty.
 Q. Where were you born?—A. I was born in Pittsburg, Pennsylvania.
 30 Q. Have you ever lived out of the United States?—A. No, sir.
 Q. You are a colored man?—A. Yes, sir.
 Q. Did you register last fall?—A. No, sir; no, I didn't.
 Q. Didn't go to the city hall to register?—A. I went there, but I couldn't get in. I went twice.
 Q. You couldn't get in and didn't register.—A. They refused me every time.
 Q. You went there and you couldn't get in the building, and so you couldn't get registered?—A. I got in, but they wouldn't let me register.

Q. What reason had they for that?—A. They said I had no vote here in this city, I had to stay here two or three years.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. Where at?—A. Biddle street, down at Biddle market polls, that is my ward.

31 Q. How near to Biddle market are the polls?—A. Right at it almost.

Q. Did you offer to vote?—A. Yes, sir.

Q. Did you offer to register at the polls?—A. Yes, sir.

Q. Did you go inside of the polls?—A. No, sir; the polls are outside on the street.

Q. Were there not some officers inside of the building there, that took the ballots?—A. Yes, sir; but they wouldn't receive me, they said hadn't been here long enough. I tried all around. They wouldn't register me, wouldn't permit me to vote.

Q. What ticket did you want to vote?—A. The Republican ticket that's my ticket all the way through.

Q. And you didn't vote it?—A. No, sir.

Q. Did you vote anywhere else?—A. No, sir.

32 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. At the city hall you were refused the privilege of registration, because you had not been long enough in the city?—A. That is what they told me there; I told them I was here last March a year ago. They said that didn't make any difference, he couldn't register nigger anyhow.

Q. They told you that you could not register there nor vote, on the statement that you made to them, because you had not been here in the State a sufficient length of time to permit you to register?—A. Yes, sir.

Q. You don't know exactly whether it was one or two or three years?—A. No, sir; I told them that I was here a year last March; I thought that was sufficient.

Q. You are sure that you told them that?—A. Yes, sir; I am satisfied I told them that.

Q. When you came up on the Grand Tower, where did you go to?—A. I went right up on Wash street, 1011 Wash street.

33 Q. How long did you remain there?—A. I don't think I stayed there over five or six days, before I went again.

Q. Where did you go to then?—A. I went then where I am at now of course I had to go around and hire out at different places.

Q. Well, you couldn't have done that, because you stated that you were only a week at 1011 Wash street.—A. I had to hire out.

Q. How hire out? For what business?—A. I am a cook by trade.

Q. Do you live where you cook?—A. Yes, sir; I stay there more or less.

Q. Well, you live there?—A. Yes, sir.

Q. Well, if you lived there, how can you live at 1118 North Eleventh?—A. Well, that is my home. I am at home there.

Q. That is, you consider it your home?—A. Yes, sir; when I am at home; that is, where I am, when I ain't hired out.

Q. Are you a married man?—A. Yes, sir.

34 Q. Now you tell me you went to this poll right on Biddle market, and you offered to vote there?—A. Yes, sir; I did.

Q. Did you offer to register?—A. Yes, sir; I went right up and wen

in and gave my statement, and they told me that I hadn't been here long enough.

Q. You received the same information there that you had from the officers at the city hall?—A. Yes, sir.

Q. Then you went around to two or three other polls and tried to vote?—A. Yes, sir; I did; to see if I could get in, but I didn't make it.

Q. If the first place that you went to was your proper poll, why did you go to any other poll?—A. I wanted to vote my ticket. I thought it was all Republican; I thought I could vote.

Q. Now, isn't it possible that you went to the wrong poll each time?—

A. They refused me there; I tried it several times.

35 Q. How many times were you refused, and at how many different polls?—A. Two times that day, on election day.

Q. Did you spend your day at the election polls?—A. No, sir; I didn't have the time. I just tried to get in; I always tried to vote; when I saw I couldn't do it, I give it up.

Q. Do you know, as a matter of fact, which was the proper poll for you to offer to register at?—A. Down at Biddle street there, where I offered to vote, where I live.

Q. The first place that you went to?—A. Yes, sir.

Q. If that was the proper place, why did you try some place that was not proper?—A. I wanted to see if I couldn't get a vote; that was my object; I thought I was entitled to vote, but I couldn't get it in.

Q. You stated, in your direct examination, that the party to whom you applied for registration was on the outside?—A. That was a policeman.

36 Q. You applied to a policeman to register you?—A. I applied to him and asked him if I could vote, and he told me no. Then I went to the gentleman inside, and I says, "Can I get registered here? I have been here a year ago last March," says I. "You haven't been here long enough," says they.

Q. There was a Democratic and a Republican judge inside, and a United States supervisor?—A. I didn't have much talk with anybody there.

Q. All they did talk about was that they said you were not a proper voting citizen?—A. Yes, sir. Then I come out.

(Signature waived.)

37 HENRY BECKEMEIER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Henry Beckemeier.

Q. Where do you live?—A. 1411 Exchange street.

Q. How long have you lived there?—A. I have lived there about a year now, not quite—exactly—about a year.

Q. How long have you lived in Saint Louis?—A. Five years.

Q. Where were you born, Mr. Beckemeier?—A. I am born in Germany.

Q. Have you been naturalized?—A. Yes, sir; about five years ago.

Q. You have taken out your papers here?—A. Yes, sir.

Q. Did you register last fall?—A. They registered me; they told me they registered me there at the polls, but I guess they didn't do it.

Q. Did you go to the city hall to register?—A. No, I didn't.

38 Q. Did you go to the polls on election day?—A. I went to the poll, my poll.

Q. What poll was it?—A. It was on Fourteenth.

Q. Whereabouts on Fourteenth?—A. Fourteenth between Exchange and the next street south.

Q. Well, did you register there?—A. That's what they told me. gave my other name where I lived before.

Q. Did you go inside of the building?—A. Yes, sir.

Q. Did they swear you?—A. No, sir; they didn't swear me, they just put it down.

Q. They didn't swear you?—A. They put it on the ticket.

Q. Did you offer to swear and be registered, too?—A. No, sir; I didn't offer.

Q. You wanted to do whatever they wanted you to do?—A. I wanted to do whatever was right, and put my vote in; I would have gone to the city hall, if I had had time. You can find my name there: used to live up on Monroe street 1410; you can see my number and my name on the paper there; I seen it myself before, when there was an election.

39 Q. Did you have a ticket there that day—a ballot?—A. Yes, but they don't put it in the box.

Q. Was it a Republican ticket or a Democratic ticket?—A. It was a Republican.

Q. Straight Republican?—A. Yes, sir.

Q. Somebody took it inside and put it away?—A. Yes, sir; somebody took it and put it away.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You then had registered some years ago at the city hall?—A. Yes, sir.

Q. And about a year ago, you changed your residence?—A. Yes, sir.

40 Q. After you changed your residence, did you visit the city hall and notify the officers of registration of that fact?—A. No, sir; I didn't go to the city hall.

Q. Then you didn't go to the city hall to obtain a transfer to your present residence?—A. That is what they told me they would do there at the polls.

[Question read.]

A. No, sir.

Q. When you got to the poll, the judges informed you that they had no power under the law to transfer you on election day, you having been previously registered from another place?—A. That's it, but there was a man outside, he took it, I don't know who it was, and he put on my name and the address, that is, the number, the house number where I was living now, and where I was living before, and I went off; that all I know, that is all I can tell about it.

(Signature waived.)

41 HENRY SIEBELTS, produced, sworn, and examined on part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Henry Siebelts.

Q. Where do you live?—A. I live on Thirteenth street, between Bremen avenue and Newhouse avenue.

Q. What is your number on Thirteenth?—A. North Thirteenth, 3932.

Q. How long have you lived in this city, Mr. Siebelts?—A. I suppose about thirty-seven years.

Q. Where were you born?—A. Gulf of Mexico.

Q. Born on the gulf, on the sea, or on the ship?—A. Born on a ship, of course.

Q. You came here when you were very young, I reckon?—A. Yes, sir.

Q. How old are you?—A. I was born in 1841.

Q. You are forty years old?—A. Yes, sir.

42 Q. You have been here thirty-seven years?—A. Yes, sir. The first time was in Louisiana.

Q. Did you register last fall, Mr. Siebelts?—A. Yes, sir.

Q. Did you register at the city hall?—A. Yes, sir.

Q. Did you go to the polls last election day—in November last?—A. Yes, sir.

Q. Where are they situated?—A. On Bremen avenue, at Kreinbaum's residence.

Q. Did you vote?—A. Yes, sir.

Q. You voted?—A. Yes, sir.

Q. Handed in your ticket and it was received?—A. Yes, sir; yes, sir; put on a string.

Q. Why did they put it on a string, if you know?—A. They said my name was not in the registration books.

43 Q. Do you know whether it was in there?—A. I do not.

Q. What ticket did you vote; Republican or Democrat? That is what I want to know.—A. Well, I voted the Republican ticket.

Q. Did you vote for Mr. Sessinghaus for Congress?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do you know whether you did or not? Do you know whether you voted for Mr. Sessinghaus or not?—A. Well, I suppose I ought to know whether I can read or write.

Q. But I want to know as a matter of fact whether you did or not?

—A. If I didn't I wouldn't say so.

Q. I am asking you to say so.—A. Well, I voted for him.

Q. You think you did?—A. Yes, sir; if I voted a straight Republican ticket; I ought to know that Mr. Sessinghaus is on it. I 44 voted; I was one of the first ones at the polls.

Q. How long were you living at 3932 North Thirteenth street?—A. Well, now, that is more than I can tell; about six or seven months; it might be eight months.

Q. What did they say to you at the poll?—A. They told me that my name was not in the books. I told them the number of the house, the name of the street, and told them where I lived. They told me my residence and name was not here.

Q. You say you were born on the Gulf of Mexico?—A. Yes, sir; on the Gulf of Mexico.

Q. Where were you coming from, or where were your parents coming from?—A. My parents were coming from Germany, I suppose. I am of German descent; I speak the German language.

Q. You didn't believe it your duty to be naturalized?—A. No; certainly not; I never was inquired of for a paper.

45 Q. What is your business, Mr. Siebelts?—A. I am a brickmaker by business now at the present time; I am a butcher by trade; I have followed that now.

Q. What was your business at election time?—A. Well, I was laboring at that time.

Q. Are you a married man?—A. Yes, sir.

Q. Live with your family; does your family live at 3932?—A. Yes, sir.

Q. You moved, did you, some few months prior to the election?—A. Yes, sir,

Q. Do you know whether or not the members of the board of revision visited your house?—A. No, sir.

Q. If they did you were not there at the time?—A. No, sir.

Q. Well, you voted, and your vote was taken in there?—A. Yes, sir, my ticket was taken in.

Q. And you do not know whether it was counted in the results or not?—A. That is something that I can't tell you. They said they would put it on a string.

Q. But whether they would count it or put it in a box you don't know?—A. No; it was not put in a box.

Q. While you were there?—A. While I was there.

Q. But you don't know what action was taken in regard to it subsequently?—A. No, sir.

Q. Were you ever registered at the city hall?—A. Yes, sir; I was registered a good many times, I suppose.

Q. Where were you registered from when you last registered at the city hall?—A. The last time I was registered, I suppose it was on Eighteenth, between Farrar and Bremen avenue.

Q. How far is that from your present residence?—A. Well, that from Thirteenth to Eighteenth, five blocks.

Q. It is not in the same polling precinct?—A. No, sir; I didn't know at that time; they have changed the precincts, or the polling precincts, a couple of times since then.

Q. Well, you informed the judges that you had registered from that place five blocks away?—A. Yes, sir.

Q. They then asked you if you had gone to the city hall, and had transfer made?—A. They didn't ask me any question of that kind.

Q. You didn't go to the city hall and have a transfer made?—A. Yes, sir.

Q. Your statement to me was that you went to register last fall?—A. Well, I had registered and made a transfer.

Q. Which was it, to register or to transfer?—A. It was to transfer certainly.

Q. Are you positive of that?—A. Yes, sir.

Q. Are you positive whether you got a transfer or whether you registered?—A. I just simply told them that I was living at such a place at last registration; then they asked me where

I lived at the present time, and I told them 3932 North Thirteenth street; they put it on a piece of paper, and a man say, "That's all right," and I went off. There was such a crowd there that I had much time for to spare for to look for anything else, and I went off home.

Q. When you went to transfer at the city hall you obtained a ticket. WITNESS. Did I obtain a ticket? No, sir.

Q. You got nothing?—A. No, sir.

Q. Just simply said to the clerk there that you wanted to be transferred. You don't know whether you were transferred or not?—That is more than I can tell you.

Q. But you simply informed the judges that you had been registered in a different house?—**A.** Yes, sir.

(Signature waived.)

CHARLES EGGERMAN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. State your full name.—**A.** Answer. Charles Eggerman.

Q. Where do you live?—**A.** 1607 Exchange.

Q. How long have you lived there?—**A.** Nine months.

Q. How long have you lived in the city of Saint Louis?—**A.** Twelve years.

Q. Where were you born, Mr. Eggerman?—**A.** In the old country.

Q. In Europe?—**A.** Yes, sir.

Q. How old are you?—**A.** I am born in 1852.

Q. You were about seventeen when you came to this city?—**A.** I was about three years old when I came here.

Q. And you lived in the city ever since?—**A.** No, sir; I have been in Illinois.

Q. But you have lived in this city about twelve years?—**A.** Yes,

Q. Did you register last fall at the city hall?—**A.** No, sir.

Q. Did you go there to register?—**A.** No, sir.

Q. Did you go to the polls on election day, last November?—**A.** Yes,

Q. Where? What polls?—**A.** I went on 14th street, between Exchange and Madison.

Q. Did you vote?—**A.** Yes, sir.

Q. You voted there?—**A.** Yes, sir.

Q. Did you register there at the polls?—**A.** Yes, sir.

Q. The registering officer took your name?—**A.** Yes, sir.

Q. You subscribed to a paper that he had, you wrote your name?—**A.** Yes, sir.

Q. And he swore you to it?—**A.** Yes, sir.

Q. What ticket did you vote, Mr. Eggerman?—**A.** Straight Republican.

Q. Was your ticket received and put in the box?—**A.** No, sir; they put it in the box.

Q. What did they do with it?—**A.** I couldn't say.

Q. Why didn't they put it in the box?—**A.** They said they couldn't I was —, they didn't know for sure whether if my vote was endorsed or not, he says he couldn't put it in the box.

Examination by Mr. DONOVAN, counsel for contestee:

Q. You moved from Illinois here?—**A.** Yes, sir.

Q. And moved into this house 1607 Exchange?—**A.** No, sir; not when I came here. I didn't move in there.

Q. Did you have a house in Illinois?—**A.** No, sir; I was working out.

Q. How long did you live in Illinois?—**A.** Well, I can't tell that exactly how long I been living there.

Q. Just how long?—**A.** I guess about sixteen years.

Q. When you came into Missouri did you return to Illinois?—**A.** Yes,

Q. How long did you remain after you returned to Illinois?

WITNESS. What do you mean by that return ?

COUNSEL. Go back.

A. I never was back. I went there to visit, that's all, for a day or two.

Q. Never went back there to live ?—A. No, sir.

Q. Please tell us what conversation passed between you and the officers at the polls.—A. Well, that is more than I can tell you, they didn't say nothing to me. They asked me if I had a vote or was registered or had my papers, that's all they said ; I said I had nothing, had no papers, and never was registered.

53 Q. And that was all that passed ?—A. Yes, sir.

Q. Well, something was done there, wasn't there ?—A. Nothin' done.

Q. You didn't register ?—A. I got registered, of course.

Q. Well, if you registered—

WITNESS. (Interrupting.) They registered me at the polls.

Q. The judges said that they would receive your vote ?—A. Yes, s—.

Q. Now, do you know, as a matter of fact, whether or not that vo — te was counted ?—A. Well, they took the ticket and they didn't put it in the box.

Q. You didn't see them put it in the box ?—A. I saw them take it inside.

Q. But you don't know what they did with it ?—A. That is al— I know ; I seen them ; they didn't put it in the box.

Q. While you were there ?—A. While I was there ; I didn't pay much attention to it while I was standing there.

54 Q. You just handed in your ticket and they took it, and you went away ?—A. Yes, sir ; I went away.

Signature waived.

55 CHARLES BROWN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD :

Question. State your full name, Mr. Brown.—Answer. Charles Brown.

Q. Where do you live, Mr. Brown ?—A. No. 918 Mound street.

Q. How long have you lived there, Mr. Brown ?—A. Since Augu— st last.

Q. How long have you lived in Saint Louis ?—A. Three years la—st May.

Q. Where were you born, Mr. Brown ?—A. In New Jersey.

Q. Have you always lived in the United States ?—A. Yes ; always—.

Q. How old are you ?—A. Twenty-eight years old.

Q. Did you register at the city hall last fall ?—A. Never have reg — tered since I have been here.

56 Q. Did you go to the polls last November on election day ?— A. Yes, sir.

Q. Where were the polls situated ?—A. It is on Cass avenue at Tenth, I think ; I didn't make a memorandum ; I didn't suppose I would be called here.

Q. Did you offer to register at the polls that day ?—A. Yes, sir.

Q. Did you register ?—A. No, sir.

Q. Why not ?—A. Well, I don't know why not. Didn't have a chance— that's why I didn't.

Q. Did you go inside the polling place ?—A. I did.

Q. Did they have a registering officer there, or don't you know?—A. I don't know that.

Q. Did you offer there to register?—A. Yes, sir; I wanted to go in to know if I could register; and they said, "No, it is not worth while."

57 I wrote my name on the back of the ticket; I handed it in to the committee there; I wrote the address on two tickets. A man that I took with me that worked for me, I handed him my vote, and his ticket and my ticket were both exactly alike.

Q. What reason did they say or give why it was not worth while for you to register? Did they give any reason?—A. They said there was no occasion, for the ticket would be turned in just the same; they said there was no occasion for it.

Q. You went there prepared to register?—A. I went there prepared to register.

Q. What ticket did you vote?—A. I voted the solid Republican ticket with the exception of Mr. Horner, for judge; I knew him personally.

Q. Who was this other man that was with you?—A. Joseph Johnson.

58 Q. Who is he?—A. He works for us, he used to be with me. Q. How long have you known Joseph Johnson?—A. About seven years.

Q. Have you known him in Saint Louis that long?—A. No, sir; he came here to work for us pretty soon after I came.

Q. He is a white man?—A. Yes, sir.

Q. He has always lived in the United States?—A. Yes, sir.

Q. How long has he lived in Missouri?—A. Over three years.

Q. How old is he?—A. He is about my age.

Q. How old is that?—A. Twenty-eight.

Q. Where did he live on election day?—A. He lived on the corner of Brooklyn and Mound.

Q. Was that in this precinct where you went to vote?—A. Yes, sir.

Q. Did he register, do you know?

59 (Mr. Donovan, counsel for contestee, objects to the question, because the books of registration are the best evidence, and because it is a matter of hearsay with this witness.)

A. I know that he didn't, I know that he went down—at least he told me that he went down—and there was such a crowd that he couldn't get in.

By Mr. POLLARD:

Q. What ticket did he vote there that day, if you know?—A. I know, because I saw it; he voted a duplicate of mine.

Q. Straight Republican ticket, except for Judge Horner.—A. Yes, sir.

Q. Did he offer to register there that day?—A. He did.

Q. Did he register?—A. No, sir.

Q. These two tickets were not received by the judges; were they or were they not?—A. They were handed to them; they said they would be placed on the table.

Q. And that is all you know about them?—A. Yes, sir.

60 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You never had been registered before, and did not register at the polls?—A. No, sir.

Q. And your name was not on the polling list?—A. I don't know if it was or not. I didn't see it.

Q. Now, you state that you voted the straight Republican ticket, except for Horner for judge; was Sessinghaus's name on the ticket that

you voted?—A. No, sir; I crossed it off, and wrote it. I didn't cross his off; I crossed his opponent's off.

Q. What was the ticket headed?—A. It was a Republican ticket and Sessinghaus for Congress.

Q. Well, without registering either at the city hall or at the polls you went there and passed in your ballot and the judges took 61 and said they would pass on it afterwards?—A. Before I passed it in I asked them if I was required to register there; if it was necessary to register there; because I wanted to vote, and I wanted to register; that is what I said.

Q. Who did you say that to?—A. To the committee there, the judges of election.

Q. Why didn't you register at the polls?—A. I had as good a chance as any man, but they wouldn't let me.

Q. They treated you respectfully, did they not?—A. Yes, sir.

Q. And the registering officer was there?—A. I don't know, indeed the details of that thing; I don't know who the registering officer was.

Q. You knew what was required of you before registering?—A. Yes, sir.

Q. You knew that you had to prove your qualifications before 62 you could do it?—A. I was prepared to do it if I had had chance.

Q. Nobody prevented you?—A. Nobody gave me an opportunity to.

Q. Nobody denied you the right?—A. Nobody offered me a right when I asked for it.

Q. You just treated this thing in rather a negligent manner, and were not disposed to waste time on it; is not that a fact?—A. No, sir; I wanted to vote.

Q. And was not in a hurry to get away?—A. No, sir; that was election day, and I had a whole day before me.

Q. To spend at the election?—A. No; no more than the time that was necessary.

Q. Now, after you stated that these gentlemen treated you respectfully, and that you knew what was required of you in order to register you, you just simply left your ticket there and came away; 63 that the situation?—A. No; I didn't think it was necessary to go in there and tell them I had a right to register. I supposed they knew their business.

Q. And you knew your business, and you knew your duty in regard to registration, and yet you simply went there, left your ballot, and came away?—A. Before I left the ballot I asked if it was necessary to register there, because I hadn't been down to the city hall, and they said no.

Q. Who did you ask that of?—A. I asked the committee; the judges.

Q. Inside or outside of the polls?—A. I presume they were inside; they are generally supposed to be.

Q. Don't you know whether they were or not?—A. Yes, sir; I know they were inside.

Q. You took their suggestion when you knew that something more was necessary to be done?—A. No, I don't know it; I asked for information, supposing they knew.

Q. You have already told me that you know what was required in order to register; now, it appears that you took the

suggestion and went away when you knew what was your duty in the premises!—A. They didn't suggest anything; they said that my vote would be balloted.

Q. And you think it was?—A. I know that it was not then; I didn't stay around.

Q. Why didn't you go back to the poll and ascertain what had become of that ballot?—A. If I had known that that vote would have elected Mr. Sessinghaus I would.

Q. But you didn't take the trouble to go back and see what had become of that ballot, although you knew that you had to register before your vote could be received?—A. I didn't know after the judges told me it was not necessary.

Q. Then you took their suggestion?—A. As far as that, I did; they told me my vote would be balloted.

Q. Did you see that it was balloted?—A. I saw it was not 65 then, that is, it was not placed in the box; I didn't think it was necessary for me to stay there afterwards and watch.

Q. The judges are not in the habit of keeping a ballot lying around on the table for a while before they decide on it; that is not usual, is it?—A. I don't know; but I don't suppose it is; I never saw it done, but I think that is a silly trick.

Q. You think that is a silly trick, although you have never voted here before; what do you know about it when you call it a silly trick?—A. I saw that.

Q. You saw that one individual instance, and yet you volunteer to say that it is a silly trick?—A. I saw those two.

Q. And you suppose it should be properly dubbed "a silly trick"?—A. I suppose that I have a right to my suppositions.

Q. Although you are an intelligent man, and knew what was required of you to register, and you knew that you couldn't vote 66 unless you did register, yet with all this you did not register?—A. No, sir; I did not.

Q. You don't know that you were registered?—A. I said that a number of times.

Q. But you know that you had to swear before you could be registered?—A. I did, and I went there prepared for that.

Q. And you knew that a man couldn't vote unless he was registered?—A. I did until that day, but I was instructed otherwise there at the polls.

(Signature waived.)

67 HENRY HAGENSICKER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, Mr. Hagensicker?—Answer. Henry Hagensicker.

Q. Where do you live?—A. 1117 Farrar street.

Q. How long have you lived there, Mr. Hagensicker?—A. I have lived there four years.

Q. How long have you lived in this city?—A. Born and raised in the city.

Q. How old are you?—A. Twenty-four years last December.

Q. Were you registered at the city hall last fall?—A. No, sir.

Q. Did you go to the polls to vote?—A. Yes, sir; I thought I could be registered at the same time.

Q. At what polls?—A. On Bremen avenue, between 14th and 15th.

68 Q. Which side of Bremen avenue?—A. The north side of Bremen avenue.

Q. Did you offer to register at the polls?—A. Yes, sir.

Q. Did you go inside of the polls?—A. No, sir.

Q. Why not?—A. Because I didn't think they would let me go in there; I was willing to go in there; I was willing to register.

Q. Did they register you?—A. Yes, sir.

Q. Did you swear?—A. No, sir; I voted.

Q. What do you mean by registering; what did you do; that is what I want to know?—A. They asked me if I was willing to register and I just told them yes, sir; that is all I can tell you now.

Q. Did they tell you that that was all that was necessary to be done or what did they say?—A. They didn't say anything more about that.

69 Q. You offered your vote there?—A. Yes, sir.

Q. What ticket did you vote?—A. Straight Republican ticket.

Q. Was the ticket received, or not?—A. Yes, sir.

Q. By whom?—A. By the judge.

Q. What did he do with it?—A. He put it on the table there on kind of a string, when I was there; I don't know what they done with it when I left; I saw it put on the string on the table; I don't know what was done with it afterwards.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You were talking to parties outside about registering?—A. No sir; when I come there they asked me if I had been registered; and told them no.

70 Q. Did you register?—A. Yes, sir.

Q. Did you take an affidavit—make an oath there before anybody?—A. No, sir.

Q. Don't you know that you can't register without making an oath in regard to your qualifications?—A. Yes, sir; I do.

Q. Why didn't you make that oath?—A. I don't know; they ought to ask me that question, I guess.

Q. Isn't it a fact, Mr. Hagensicker, that you simply offered to vote there and not to register?—A. Well, I offered to register at the time I offered to vote.

Q. If you knew it was your duty to make an oath in regard to your qualifications before you registered, why didn't you do it?—A. I don't think that is my fault; I think the judges ought to have attended that.

Q. You think the judges ought to have advised you?—A. Yes, sir.

71 Q. Well, after they received your vote that you handed in through the window then you went away?—A. Yes, sir; I had no more time to stop; they had put it on the string.

Q. The judges looked to see if your name was on the list?—A. Yes, sir.

Q. And before they informed you whether it was or not, you went away?—A. Yes, sir.

(Signature waived.)

72 PETER SCHOTTGEN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

(This witness being a German, requested that the notary interpret for him, and the following examination, both by counsel for contestant and by counsel for contestee, was conducted through those means.)

Q. Question. What is your name?—A. Answer. Peter Schottgen.

Q. Where do you live?—A. 1708 North Tenth.

Q. How long have you lived there?—A. Nearly two years; I lived in the district four years.

Q. How long have you lived in the city?—A. Five years; and ten years in Jefferson City.

Q. How old are you?—A. Fifty-five.

Q. Have you been naturalized?—A. Yes, sir.

73 Q. Did you register at the city hall?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where?—A. On Tenth, between Mullanphy and Cass.

Q. Did you vote?—A. My son and myself both voted; yes, sir. My landlord was there at the same time.

Q. What I want to know is, whether you saw your ballot go into the box? First, what is your son's name?—A. Peter Schottgen, junior.

Q. Was he living with you at that time?—A. Yes, sir; single, and lived with me.

Q. Did you vote?—A. Yes, sir; yes, sir.

Q. What ticket did you vote?—A. Republican straight ticket.

Cross-examination waived.

(Signature waived.)

74 GEORGE BALL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. What is your name?—A. Answer. George Ball.

Q. Where do you live?—A. 1912 on Broadway, between Webster and Chambers.

Q. How long have you lived there?—A. I have lived there about seven or eight months.

Q. How long have you lived in Saint Louis, Mr. Ball?—A. Since last twenty years. I was three years a soldier in the army.

Q. You were born in Europe?—A. Yes, sir.

Q. Have you ever taken out your naturalization papers?—A. Yes, sir; after that I was here. I got me my first papers in Utah, and then I took my last papers here after I took my discharge.

75 Q. Did you register at the city hall last fall?—A. Yes, sir; I did.

Q. Before the election?—A. Why I registered at this place, 1912 Broadway; there's where I live.

Q. Did you register from there when you registered last fall?—A. Yes, sir.

Q. Did you go to the polls to vote last November election?—A. Yes, sir.

Q. Where were those polls?—A. I don't know. It is between Webster and Chambers on 9th or 10th. There is a coal-yard there, and there is an office there. That is where I went to register, and they wouldn't allow me.

Q. What I want to know is this: Whether you went to the city hall last October to register?—A. Just the last day that the office closed.

Q. Did you register there?—A. Yes, sir.

76 Q. Did you vote at the November election at these polls?—A. They wouldn't let me, first. Then I got a certificate from the ward where I was before.

Q. Did you get a certificate?—A. Yes, sir.

Q. Then you went back?—A. Yes, sir, I went back; they took the certificate, but they didn't put it in the box, they put it by itself.

Q. You mean your ballot, is that what you mean?—A. Yes, sir.

Q. What did they do with the ballot?—A. They didn't put it in the box, they put it by somewhere, because as they told me I was not entitled to vote unless I got me a transfer ticket; I told him I had lived there for so and so long, and that I didn't think it was necessary. Then I didn't get off until the last day, and when I went there it was too late.

Q. What ticket did you vote?—A. A straight Republican ticket, right straight through.
77

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Well, now, instead of going last fall to the registration office to register, you went there on the last day to get a transfer and couldn't get it?—A. I did get it, sir, but I didn't ask for a transfer ticket.

Q. That is what I am asking you about, whether you got a transfer?—A. I didn't get no ticket, but my name is on the transfer, because I put it there myself.

Q. Your name is on the records in the recorder's office as registering from a residence different from 1912 Broadway?—A. Well, I used to live 2219, I lived there then..

78 Q. And you registered from 2219?—A. From 2219 to 1912.

Q. But you didn't go to the city hall in time to notify them of your removal to 1912?—A. I don't know; I told them I had moved from that number, and I wanted to get a transfer, but I didn't wait for transfer ticket.

Q. Why didn't you?—A. I didn't call it to mind that I had to have transfer ticket.

Q. You went there to get one, why didn't you wait for it?—A. I hadn't more sense, that is the thing exactly; if I had waited for, it of course, guess I would have got it.

Q. But you did not wait for it?—A. No, sir.

Q. Now, when you went to the poll the judges told you that you having been registered at a different place than 1912 Broadway, that it was your duty to have obtained that ticket, and having neglected that, was out of their power to transfer you to a different precinct on 79 the day of election?—A. The certificate I suppose was good enough.

Q. They told you that you must have a transfer, that they couldn't give it to you?—A. That is what they told me then after I got my certificate, they took my certificate.

Q. Your certificate was of your registration from a different number than your then present residence?—A. Yes, sir.

Q. That is the certificate that you brought to them?—A. That is all I can say.

Q. You brought them a certificate of your registration from twenty hundred and something Broadway?—A. Yes, sir.

Q. That is what you brought them?—A. Yes, sir.

Q. You brought that to the polls?—A. Yes, sir.

Q. To the judges of election?—A. Yes, sir.

80 Q. Certificate of your registration at that place?—A. Yes, sir.

By Mr. POLLARD:

Q. Did you bring to the polls on election day, to the judges of election, your certificate of transfer?—A. I did not, sir, because I didn't know that I ought to have one; because I thought it was enough for them to get my name registered; that is all I know; I didn't expect that I ought to have a transfer ticket.

(Signature waived.)

81 GEORGE SPRINGMEYER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. George Springmeyer.

Q. Where do you live?—A. 1319 Exchange.

Q. How long have you lived there?—A. Two years.

Q. How long have you lived in Saint Louis?—A. I am raised and born here.

Q. Always lived here?—A. Yes, sir.

Q. How old are you?—A. Since '52—29.

Q. Did you go to the city hall to register last fall—last November?—A. No, sir.

Q. Did you go to the polls to register?—A. Yes, sir.

Q. What polls?—A. It was between Exchange and Madison street, on Fourteenth street.

82 Q. Did you register there?—A. Yes, sir.

Q. Did you hold up your hand there and also subscribe to the book?—A. Yes, sir.

Q. Did you vote on that day?—A. Yes, sir.

Q. Did the judges receive your vote?—A. Yes, sir.

Q. What did they do with it?—A. I don't know.

Q. Did you see them put it in the box?—A. No, sir, I didn't. I was in a hurry, and I walked off to work.

Q. What ticket did you vote?—A. I voted a Democratic ticket, except for Sessinghaus.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Springmeyer, were you ever registered before?—A. No, sir.

Q. Never have registered in the city hall?—A. No, sir.

83 Q. What is your business?—A. My business, cooper.

Q. You have lived here at 1319 Exchange for two years, you say?—A. Yes, sir.

Q. Have you lived there all that time?—A. Yes, sir; lived there in a—

Q. Well, you registered at the polls and passed in your ballot?—A. Yes, sir.

Q. And it was received by the judges, and you went away?—A. Yes, sir.

Q. There are a good many people in the city by the name of Springmeyer?—A. Yes, sir, several of them; my father lives on Tenth and Exchange, and there is one or more all around in that neighborhood.

(Signature waived.)

84 CHRISTOPH HILF, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. Give us your full name, please?—A. Christoph Hilf.

- Q. Where do you live?—A. Nineteenth and Exchange.
 Q. How long have you lived there?—A. About eight years.
 Q. How long have you lived in Saint Louis?—A. About sixteen (1)
 Q. How old are you?—A. Thirty-one.
 Q. Where were you born?—A. In Germany.
 Q. You were about fifteen years old when you came here?—A. Yes, sir.
 Q. Did you register at the city hall last fall?—A. Yes, sir.
 Q. How long before the election?—A. It was the last day before the election.
 85 Q. At the city hall?—A. Yes, sir.
 Q. Did you go to the polls on election day?—A. Yes, sir.
 Q. Where?—A. On North Market street, in Hanning's barber-shop.
 Q. What number on North Market, or about where on North Market?—A. 51 I believe it was, in Hanning's house there.
 Q. Between what streets is it?—A. Between 19th and 20th, on North Market.
 Q. Did you vote?—A. Well, I wanted to vote first and they say my name wasn't there, so I say that wouldn't do; I took a butcher along that lived in the house there; we got registered together; there were some men standing around the polls; they said, "That man is a citizen we know him."
 Q. Then you went back to vote?—A. Yes, sir.
 86 Q. The judges received your ballot?—A. Yes, sir.
 Q. What did they do with it?—A. That is more than I can tell, they laid it on the table so far as I could see; I voted the straight Republican ticket except for the city attorney, Noonan.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. When were you first registered in this city?—A. This was first time.
 Q. You never had registered at the city hall before?—A. Never before.
 Q. When you say that you registered the day previous to the election?

WITNESS. Yes, sir.

- Q. Are you sure of that fact?—A. Yes, sir; I can bring witnesses to that.

- Q. You can bring other people that will testify that you register there one day before the election?—A. Yes, sir; the day before the election, in the morning about ten o'clock.

- Q. Who registered you there?—A. Well, I don't know; I couldn't tell you the name of the man.

- Q. Now, I want to call your attention to that matter, Mr. Hilf, and have you consider whether you can possibly be mistaken that this is but one single day prior to the election, or longer?—A. That was the last day when they was registering there.

- Q. That is a different state of facts; you said it was the day before the election.—A. I mean the last day when they was registering people down at the city hall.

- Q. So then it was ten days before the election?—A. Something like that; I was mistaken before; it was the last registering day.

- Q. That is the reason I called your attention to the fact, 88 cause you couldn't have registered one day before election.—I was mistaken in that question.

Q. You put your ballot in at the window there and went away, and didn't see what was done with it?—A. It was laid on the table; that is what I saw.

Q. You didn't wait to see what they did with your ticket?—A. This gentleman that I spoke to before, said, "That man can vote; he has been in the city long enough, and I know it."

Q. You didn't wait to see what was done with it?—A. I didn't.

Q. The Republican and Democratic judges were talking about it?—A. Yes, sir; they was standing there and talking about it, and Judge Engleman, he took the ticket from me; he was one of the judges.

Q. Didn't you think it was the duty of an intelligent merchant like you to see what was done with the ballot?—A. I didn't think that was my business; I thought that was their business.

89 Q. But they were talking about it in your presence?—A. They were talking about it whether they should lay it on the table, and Sieker, this gentleman I told you about, said it was "all right, put it in." Now, I don't know whether they put it in or not; I saw them put it on the table.

Signature waived.

90 FRANK FOGLER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Frank Fogler.

Q. Where do you live?—A. 1711 North Market street.

Q. How long have you lived there?—A. About two years.

Q. How long have you lived in Saint Louis?—A. About fifteen years.

Q. How old are you?—A. Forty-one.

Q. Where were you born, Mr. Fogler?—A. 1840.

Q. Where—where were you born?—A. In Old Germany—in the old country.

Q. How long have you been in the United States?—A. Sixteen years.

Q. Have you been naturalized?—A. Yes, sir.

91 Q. Did you register last fall, before the election, at the city hall?—A. Yes, sir.

Q. About how long before the election?—A. About three weeks.

Q. Did you go to the polls to vote on election day?—A. Yes, sir.

Q. Where are those polls?—A. Between Nineteenth and Twentieth, on North Market street.

Q. Did you vote?—A. Yes, sir.

Q. Was your vote received by the judges, and put in the box while you were there?—A. No, sir. Mr. Sieker knows me about fourteen years; he was one of the judges; he told me he couldn't find my name on the book. He put my name on the ticket and I handed it inside, and he said it was all right.

Q. What ticket did you vote?—A. Straight Republican ticket.

92 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What is your business, Mr. Fogler?—A. I work with the Stamping Company.

Q. You say that you lived at 1311 North Market street for about two years?—A. Yes, sir; this spring it is two years.

Q. How do the numbers run up there, regular or irregular?—A. I guess so; in that street it is pretty regular.

Q. You think they run pretty regular ?—A. Yes, sir.

Q. You live in the front or the rear ?—A. In the front, in the second story.

Q. Who lives downstairs ?—A. Well, there is Mr. Busch, he lives downstairs, and Hanwig and Loewig, and some others.

93 Q. There are a number of you living there together ?—A. Yes; that is the number; they belong to one house.

Q. And there are many families there ?—A. Yes, sir.

Q. And you live up stairs ?—A. Yes, sir.

Signature waived.

94 HENRY BEUER, produced, sworn, and examined on the part o~~c~~
contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. Your full name, sir ?—Answer. Henry Beuer.

Q. Where do you live ?—A. 1741 North 9th.

Q. How long have you lived there ?—A. Pretty near two years.

Q. How long have you lived in Saint Louis ?—A. I live here f~~i~~
years next July.

Q. How old are you ?—A. Thirty-eight, not thirty-nine yet.

Q. How long have you been in the United States ?—A. That is al~~l~~
been here.

Q. You were born in Europe ?—A. Yes, sir; I was born in Europe~~e~~.

Q. Have you been naturalized here ?—A. Yes, sir.

Q. Did you go to the city hall to register just before the last elec~~t~~
tion ?—A. No, sir; not before the election.

95 Q. You had registered before that ?—A. Yes, sir.

Q. Where did you live when you registered ?—A. It was 251 Rauschenbach avenue, out on Saint Louis Place.

Q. Did you get a transfer at the city hall before this last election ?—
A. No, sir.

Q. Did you go to the polls on election day to vote ?—A. Yes, sir.

Q. What polls ?—A. On Tenth street, between Mullanphy and Cass a
venue.

Q. Did you offer to register at the polls on that day ?—A. Yes, sir.

Q. Did you register ?—A. The first time I did not, then I went in the afternoon and they took my name. I gave my ticket to the judge and he takes my name on the back of the ticket, and he lays it on the table.

96 Q. You didn't register there at the polls ?—A. No, sir.

Q. Did you offer to register ?—A. I asked for it, and they said, “ You can't register at the polls.”

Q. What reason did they give you ?—A. I didn't ask for any reason; one judge took my ticket and said I should put my name on it; then he went and took the ticket and said he can put it in the box.

Q. And they put it on the table, you say ?—A. Yes, sir.

Q. What ticket did you vote ?—A. Straight Republican.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. Wasn't the reason they wouldn't permit you to vote there because you had no transfer from your residence, 2516 Rauschenbach ave-
97 nue ?—A. Yes, sir.

Q. You having neglected to get a transfer from the city hall ?—A. I had no time to do it, sir.

Q. And the judges told you that you couldn't register or vote on that day because you were already registered and must have a transfer ?—

Q. I don't know the circumstances or the words exactly, but he told me I cannot be registered at the polls, but that I had to put my name on the ticket.

Q. But he told you that you must have a transfer in all such cases?

A. Yes, sir.

Q. And that they couldn't transfer you on election day?—A. No; that is what they said.

(Signature waived.)

JOHN SMALL, jr., produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. John Small, junior.

Q. Where do you live?—A. Seventeenth and Howard, north side; house lays back from the street.

Q. Corner of Seventeenth and Howard?—A. Yes, sir.

Q. How long have you lived there?—A. Born and raised there.

Q. How old are you?—A. Twenty-six years old.

Q. Were you registered at the city hall last fall?—A. Yes, sir.

Q. How long before the election?—A. I was registered about four weeks before the election.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where?—A. Between 19th and 20th, on North Market street, north side of the street.

Q. Did you vote on that day?—A. Yes, sir; I voted in the evening about six o'clock; before six o'clock.

Q. When you talk about 19th and 20th, you mean North 19th and 20th?—A. No, sir; I mean West 19th and 20th.

Q. You voted about six o'clock?—A. Yes, sir.

Q. Did the judges receive your ballot?—A. Yes, sir.

Q. Did they put it in the box?—A. I don't know.

Q. What ticket did you vote?—A. Sessinghaus straight ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You didn't wait to see, Mr. Small, what they did with your ballot?—A. No, sir; because I was in a hurry to get out; I had a team there, that was a little meddlesome to start. They couldn't find my name on the registration list, because my father's name was John Small, and when I went there they saw the two names they thought that one name had been printed twice; my name is John Small, jr., but they didn't put down the junior, and didn't state anything about that.

Q. However, you don't know what they did with your ballot?—A. No, sir. The judges were citizens; they all knew me; they all knew where I lived.

Q. There was only one John Small on the registration list?—A. Yes, sir.

Q. And your father had voted?—A. Yes, sir; had voted in the morning.

Q. So that having but one John Small on the list and he having voted they couldn't permit that vote to be duplicated?—A. Yes, The judges were all citizens, and they knewed where I lived.

By Mr. POLLARD:

I wish you would tell me a little more definitely if you can where poll was?—A. At Hanning's; it was a barber-shop.

Q. And on what street?—A. On North Market street.

Q. Between what streets?—A. Between 19th and 20th, on the north side of the street.

(Signature waived.)

102 CARL HERDLER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Carl Herdler.

Q. Where do you live?—A. 1327 North Second, upstairs.

Q. How long have you lived there?—A. Since September 20th.

Q. Last?—A. Yes, sir.

Q. How long have you lived in the city?—A. Since June 14th, 18⁹ almost five years.

Q. How old are you?—A. I will be twenty-seven next month.

Q. Where were you born?—A. In Reichen, Province of Schleswig-Holstein, Germany.

Q. Have you ever been naturalized here?—A. Yes, sir.

103 Q. Did you go to the city hall to register before the election?—A. I took a transfer between the 10th and 14th of July, and another transfer between 21st and 24th of September.

Q. Where were you living then; at the same place where you now live?—A. No, sir; I took a transfer.

Q. When you got this transfer were you living at the same place where you lived on election day?—A. Yes, sir.

Q. Then you took a transfer to that number?—A. Yes, sir.

Q. And you took a ticket?—A. Yes, sir, I did; I have it now.

Q. Did you go to the polls on election day?—A. I did.

Q. Where?—A. At thirty-eighth precinct, Fourth ward.

Q. Did you vote?—A. I did.

194 A. What ticket did you vote?—A. I voted the Republican ticket, only scratched one name.

Q. Did you scratch off the name of Mr. Sessinghaus?—A. No, sir; I did not.

Q. Was your vote received by the judges?—A. It was at first confused.

Q. Afterwards what was done with it?—A. They put it in the rejected envelope.

Q. Why?—A. Because they claimed I was not registered.

Q. Did you show them your transfer ticket?—A. I did.

Q. Was your name on the book?—A. Not up there.

Q. And for that reason they put it in the rejected envelope?—Yes, sir; they asked me to register there, which I did, and after

105 I had registered they wrote my name on the back of the ticket, then I watched to see whether they would put it in the box; they did not put it in the box; I asked one of the judges named Hu why he don't put the ticket in the box; he said he couldn't do that; I would have to put it in the rejected envelope; I saw that envelope.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. How many families live there?—A. It is a double house, two story; there was two families downstairs; my family was the only ones upstairs, the other number, 1325, I had rented out as furnished room to two young men.

Q. And you yourself lived upstairs?—A. Yes, sir; I did.

Q. And somebody lived downstairs?—A. Yes, sir.

Signature waived.

106 HENRY HOEHLER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. What is your full name?—Answer. Henry Hoehle.

Q. Where do you live?—A. 1220 North Seventh street.

Q. How long have you lived there?—A. Going on thirteen years.

Q. How long have you lived in Saint Louis?—A. I came here in

1056.

Q. How old are you?—A. I will be forty-one in March.

Q. You were, then, about sixteen when you came here?—A. Yes, sir.

Q. Have you lived here ever since?—A. No, sir; I was away several months during the war, and once afterwards.

Q. How long have you lived here the last time?—A. The last time about eight years.

107 Q. Did you go to the city hall to register just before the last election?—A. I went to the city hall to get a transfer.

Q. Did you get it?—A. It was crowded; I had no time to wait, so I sent a young man there to do it for me.

Q. Did he get it?—A. He showed me some papers, and said everything was right.

Q. He came back and reported and said it was all right?—A. Yes, sir.

Q. Did you go to the polls election day?—A. Yes, sir.

Q. Where are those polls?—A. On Fifth, between O'Fallon and Bidwell.

Q. Did you vote?—A. They refused my vote.

Q. Why?—A. They couldn't find my name on the poll book.

Q. Did you register there at the polls?—A. I offered to register and they wouldn't let me.

Q. Why?—A. I don't know; one of the judges lives in the same house, and he knows me for the last three or four years; he said they couldn't do it.

Q. Did you offer to vote?—A. Yes, sir.

Q. Did the judges or any one of them take your ballot?—A. No, sir; I went away after this. I saw that I couldn't vote, and I happened to meet Mr. Judy and Mr. Bensieck, that lived up there, and I told them about it. They told me to come back with them, and that they knew these parties; but when we got there they still refused to let me vote. I showed them my citizen papers, and they knew I come here when I was a boy. Just then I saw a young man that comes from Sheriff.

109 Finn's office. He happened to come in, and he knows me about fifteen years. I thought I would call upon him. He was with me a long time; but when I spoke to him he said, in a boisterous manner, to have me prosecuted if I attempted to vote there. Well, when I saw that they wasn't going to let me vote, I said, "Well, I would rather not vote at all." Then they took me inside, and swore me, and let me vote, and they put my ticket in an envelope.

Q. What ticket did you vote?—A. Straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When you had registered, what was your residence?—A. It was on 706 Marion street; that was four years previous to this time.

Q. How far was 706 Marion street from 1220 North 7th?—
110 A. Oh, well, that was way down the other way.

Q. Did you move from the southern portion of the city to the northern portion?—A. Yes, sir; about four years ago.

Q. And after you moved you went to the city hall to effect a transfer?—A. Yes, sir.

Q. But didn't have the time to wait?—A. I was there, but I couldn't stay any longer. I was there twice, but couldn't see that I was standing any chance of getting a transfer, so I sent a man there by the name of Samuel Hess. I gave him my number, and he told me afterward it was all right.

Q. Didn't you know that in order to transfer from one place to another that you had to go to the office of the recorder of voters; that you must visit the place yourself?—A. So I did; but they told me it was all right; that I could register at the polls.

Q. Didn't you know that it was not necessary for you to register at the polls, because you had been registered at the recorder of voter office, and all that was necessary for you to do was for you to obtain transfer to your present residence?—A. I didn't know that I had to be there personally myself. I was there twice, but I couldn't get in at all.

Q. Didn't you know that you yourself had to make the transfer to the office if you had changed your residence?—A. No; I didn't know that.

Q. Well, you sent your clerk up there, and you got a transfer through him?—A. No, sir; I didn't send a clerk up there at all.

Q. He was going up there himself?—A. Yes, sir.

Q. And you thought that on some stranger's statement i
112 regard to your removal that the officers there would alter the books?—A. Well, I thought so; that they would do it.

Q. However, you didn't get a transfer?—A. No, sir.

Q. And when you went to the polls the judges told you, having previously registered and not having given to the recorder of voters notice of the change you made of your residence, that they could not accept your vote there unless you could prove to them that you had received a transfer?—A. One of the judges lives in the same place; he knew me, and I thought I could register right there, but he said he couldn't even permit it, but he done so finally, after other gentlemen spoke to him.

Q. But the vote could not be received under such circumstances as you have detailed; you having been already on the registration list, 113 and it being your duty to transfer, they told you that it was not in their power, you not having a transfer, to effect that transfer on the day of election?—A. They refused to take my vote anyhow; under no circumstances would they let me vote; that is what they said, under no circumstances.

Q. And one of these was a friend of yours that lives in the same house with you that told you this?—A. Yes, sir; Charley Elwin.

Signature waived.

114 WESLEY HOWARD, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. Your name in full?—Answer. Wesley Howard.

Q. Where do you live?—A. I live on the rear 1327 North Eleventh.

Q. How long have you lived there?—A. Over twenty years; been raised up there.

Q. How old are you ?—A. Thirty-six.
 Q. Where were you born ?—A. I was born in Scott County, Illinois.
 Q. And lived in this city ever since ?—A. Ever since I was three
~~year~~ old.

Q. Did you go to the city hall to register last fall ?—A. No, sir.
 Q. Did you ever register ?—A. Yes, sir.
 15 Q. How long ago ?—A. Four years ago.
 Q. Did you go to the polls to vote ?—A. Yes, sir.
 Q. Where ?—A. Between Eleventh and Twelfth, on O'Fallon street.
 Q. Did you vote on election day ?—A. Yes, sir; I voted under pro-

~~test~~.
 Q. Protest ! Why did they protest against your vote ?—A. They
~~said~~ they couldn't find my name ; that it was struck off the list.
 Q. Where were you living when you registered ?—A. At the same
 place, 1327 North Eleventh, in the rear.
 Q. They said your name was stricken from the list ?—A. Yes, sir.
 Q. And they refused to put your ballot in the box, did they ?—A.
 Yes, sir ; they put it on a file on the table.

Q. What ticket did you vote ?—A. Republican ticket.
 16 Q. Straight ?—A. Straight.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. When you registered did your name appear on the registration
 list as living at 1927 North Eleventh street ?—A. No, sir.
 Q. How did it appear ?—A. 1327.

Q. Just 1327 North Eleventh ?—A. In the rear of 1327 North Ele-
~~enth~~ street.

Q. And it was in that way on the books—on the registration list ?—
 A. Yes, sir.

Q. Did you see it there yourself ?—A. Yes, sir; I have seen it there.
 Q. And in that way ?—A. Yes, sir.

Q. In the rear ?—A. Yes, sir.
 17 Q. Are there many families living there, Mr. Howard ?—A.
 Yes, sir ; there are three families living there.

Q. In the same house ?—A. Yes, sir ; Mr. Stewart voted from the
 same number ; his name was not stricken off.

Q. In the same house ?—A. In the same house.

Signature waived.

18 GRIFFIN HEMPHILL, produced, sworn, and examined on the
 part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. What is your name ?—Answer. Griffin Hemphill.

Q. Where do you live ?—A. I live at present 1008 Chambers street.

Q. How long have you lived there ?—A. I moved in there about the
 fifteenth of January.

Q. Where were you living on election day ?—A. I was living 1913
 North Ninth, between Webster and Chambers.

Q. How long had you lived there before election ?—A. I had lived
 there about eighteen months, I think. I haven't got a minute of it.

Q. How long have you lived in the city, Mr. Hemphill ?—A. I can't
 give you that exactly.

19 Q. Well, about how long, I don't care particularly ?—A. Now,
 I couldn't tell you exactly, if I were to die for it. I can go back,
 I think, to the date I moved here in 1873, April 8th.

Q. That is nearly eight years ?—A. Yes, sir.

Q. Where were you born, Mr. Hemphill?—A. I was born in the United States, sure.

Q. Never have lived out of the United States, have you?—A. No, sir; I was born in Hamilton County, Cincinnati, on Sycamore street, between Sycamore and Main, No. 1101, but the numbers are altered since.

Q. Well, I am not particular about that; I want to get through as fast as I can, you understand. You have always lived in the United States?—A. Yes, sir.

Q. How old are you?—A. I was born in 1820, on the sixteenth 120 day of April, in the city of Cincinnati, Ohio, Hamilton County, Ohio.

Q. Did you register last fall at the city hall?—A. I did not.

Q. Did you ever register in the city before?—A. Yes, sir.

Q. Did you go to the polls on election day, Mr. Hemphill?—A. Yes, sir; now I will answer your question. I will answer the first question as to my registration. I didn't want to vote unless I was registered again; I lived on Exchange street, 1121, where I had registered at; well, last fall when I went to vote I asked the question, because I didn't go and get a transfer; I asked the question whether it was needed, and Mr. Rubleman, who keeps the hardware store on Broadway there, he said he didn't think it was necessary, that I could vote under protest by putting my name on the back of my ticket.

121 He was one of the judges of election, I think, but I won't be positive.

Q. You didn't have a transfer?—A. I did not, sir; I didn't go to notify them of the transfer of my residence.

Q. He told you that you could go to the poll that day and vote?—A. I think it was, sir; they took my vote, but I didn't see what was done with it.

Q. What ticket did you vote?—A. I voted that ticket because I ran around there.

Q. Did you vote for Mr. Sessinghaus?—A. I scratched Frost's name off and put Sessinghaus's name there; I have my reasons for that.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What were your reasons?—A. Well, sir; I don't know as it has got anything to do with this, but I can tell my reasons. I am a 122 Democrat, and I have voted that ticket pretty regularly; once in awhile I put a Republican name on; I had nothing against Mr. Frost; I think he is an honest man, but I consider that Mr. Sessinghaus, although he is a Dutchman, would suit me better, and so I put his name on my ticket. I scratched Hayes's name off when he was running for governor of Ohio; I lived there then.

Q. How far is 1913 North Ninth street, where you registered from, from your present place of residence, 1008 Chambers street?—A. Well, you will have to get a map of the city, and we will have to count them blocks up; that is the only way I can tell you.

Q. How far apart are the places, the one at which you lived on election day and the one where you are registered from—that is to say, how far was 1008 Chambers street from 1913 North Ninth; that 123 is, when you registered at the city hall?—A. When I registered I was living up in Clinton Place, right opposite the Webster schools.

Q. Well, how far were these two places apart from each other?—A. Well, you can count them as well as I can; it is not a mile by a long shot.

Q. Well, about how far?—A. Well, I suppose it is about five or six blocks; we can count them up exactly if you want them; if you have got a map of the city I can count them.

Q. Why did you neglect to go to the city hall to get your transfer?—A. My business was such that I was not at liberty. I am a river man and sometimes I am absent, sometimes north and sometimes south, in New Orleans and Vicksburg, and other different places, you know; but my family is here. I moved from Cincinnati here, and I make it my home where my money is.

24 Q. But you knew previous to the election that the lawful way of changing your residence where you had been previously registered was to notify the officers at the city hall of the fact of such change?—A. I will admit that, but still I was not interested enough to go to the trouble; I went to the polls, it was between Webster and Chambers where I lived; they took my vote under a protest; I had my ticket made out before I went there; I think this was Mr. Rubleman who told me this about registering and transferring at the polls.

Q. Was he on the outside or on the inside?—A. Never—when he he talked about my vote?

Q. Was he on the outside when he spoke to you about the transfer?—A. No, sir; he was not; I told you just now what we said; and he says, "We will take your vote under protest," he didn't know, 125 what was in that vote; I just wrote my name on that; yes, sir, I wrote my name on that ticket, and if you had it here you could see it; I have got part of the ticket; I have got the pencil here that I wrote my name with; it is rough writing because I am a rough-looking man, but you knew that before you put me on the stand.

Q. You think you know how to cast your ballot with great discrimination?—A. I think that I do, sir; I don't know either of the two men; I don't know Mr. Sessinghaus or Mr. Frost; I have never seen either one of the two.

(Signature waived.)

126 HENRY MEIERHOFF, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Henry Meierhoff.

Q. Where do you live?—A. 1705 North Market.

Q. How long have you lived there?—A. About eight months.

Q. How long have you lived in Saint Louis?—A. About twelve years.

Q. How old are you?—A. Thirty years.

Q. You were, then, about thirteen years of age when you came here?

—A. Yes, sir.

Q. Where were you born, Mr. Meierhoff?—A. I was born in Germany.

Q. Did you register, Mr. Meierhoff, last fall at the city hall?—A. No, sir.

127 Q. Had you ever registered?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. They were between Nineteenth and Twentieth, on North Market.

Q. Did you have a transfer?—A. No, sir; they didn't have my name here.

Q. Where did you live when you did register before?—A. Northeast corner of Eighteenth and Mullanphy.

Q. Did you go to the city hall to get a transfer?—A. Not in this last time.

Q. You did not?—A. No, sir.

Q. Had you ever obtained a transfer since you moved to 1705 North Market?—A. I don't understand that.

Q. Have you had a transfer within the last year?—A. Well, ~~■~~
128 had a transfer about two years ago.

Q. But you have had no transfer since you moved to the place ~~■~~ where you now live?—A. No, sir.

Q. You went to the polls to vote?—A. Yes, sir.

Q. Did you offer to register again at the polls?—A. Yes, sir.

Q. Did they register you?—A. Yes, sir.

Q. You held up your hand and swore, and they recorded your name ~~■~~, did they?—A. Yes, sir.

Q. They did. Did you vote?—A. Yes, sir.

Q. What did the judges do with your vote?—A. Yes, sir.

Q. I asked you what did the judges do with your ticket; did they put it in the ballot-box?—A. I don't know what they done with the vote; I didn't see it.

129 Q. Who did you vote for; what ticket?—A. I voted the Repub-
lican ticket, sir, all through.

Cross-examination waived.

Signature waived.

130 GUS. McILWAIN, produced, sworn, and examined on the part
of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Gus. McIlwain.

Q. Do you know how to spell it?—A. No, sir; not exactly.

Q. Where do you live?—A. I live on Eighteenth and Exchange, ~~on~~
the corner.

Q. Have you got a son?—A. Yes, sir; George R. McIlwain.

Q. Where did he live on election day?—A. He lived at my house, ~~sir~~; ever since he was born.

Q. He has lived in that same house, corner of Eighteenth and Exchange, with you?—A. Yes, sir.

Q. How old is he?—A. Going on twenty-three.

Q. Where is he now?—A. He is in Tennessee, sir.

Q. Was he here last election?—A. Yes, sir.

131 Q. How long had he been before?—A. Before what?

Q. Before election. Did he live here before that time?—A.

Yes, sir; I sent him to school.

Q. He has gone down to school?—A. Yes, sir.

Q. Do you know whether he registered here before the last election?—A. Yes, sir; I sent him down to register.

Q. You didn't go with him?—A. I didn't go with him. I says to ~~him~~, "George, you had better go up there and get registered."

Q. And when he came back he said he had been registered?—A. Yes, sir. I know he had, because he had a ticket, and they sent for ~~him~~ to come back; it was something or another about the ticket, and ~~he~~ went down there and straightened it up.

Q. Did he go to the polls on election day?—A. Yes, sir.

132 Q. What polls did he go to?—A. On North Market street ~~be~~
tween Nineteenth and Twentieth, just above where I live.

Q. Did you go with him to vote?—A. Yes, sir.

Q. Did he vote on that day?—A. Yes, sir; he went in to the poll and put his ticket in.

Q. Did they object to receiving it?—A. Oh, they had some word here; I don't know what they did talk about; I saw Mr. Siefker pass behind there, and he says he know'd him; he is raised right here; so he puts the ticket there.

Q. You are a colored man?—A. Yes, sir.

Q. Do you know what ticket he voted?—A. He voted the ticket I voted, the straight Republican ticket.

Q. Whether the ticket was counted or not you don't know?—A. I don't know nothing about that.

Cross-examination waived.

Signature waived.

3 **FREDERICK KRAMER**, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Frederick Kramer.

Q. Where do you live?—A. I live North Market, 1735.

Q. How long have you lived there?—A. I have lived about five months now.

Q. How long have you lived in Saint Louis?—A. Fourteen years.

Q. How old are you, Mr. Kramer?—A. I am forty-two (42) years old.

Q. How long have you lived in the United States?—A. In the United States? I have lived here fourteen years.

Q. Have you ever been naturalized?—A. Yes, sir.

Q. You have got your papers?—A. Yes, sir.

Q. I presume you were born in the old country?—A. I was born in Germany, yes, sir.

Q. Did you go to the city hall last fall to register?—A. I was there, I couldn't get registered, because there was so much of a crowd here and I didn't have the time to wait there very long. I read in the papers next day that all the people could get registered at the polls; I could get changed at the polls where I lived then; I saw this German here and talked with him. I went there and wanted to put my vote in the polls.

Q. What polls were they?—A. In the Fourteenth ward up where I

Don't you know what precinct, what polls?—A. Well, it is on Market street, between Sixteenth and Seventeenth; that is my where I have to vote.

Q. Did you register at the polls?—A. I didn't; they wouldn't register me.

Q. Had you ever registered at the polls?—A. Yes, sir; I been registered before and voted before; but I don't live in the same place. So I went there to get transferred from one place to another.

Q. Didn't you do at the polls?—A. No, sir; I didn't. Of course I read in the papers next day that every citizen could get transferred to the place where they cast their ballot.

Q. Why wouldn't register you at the polls, then?—A. No, sir.

Q. You vote, or offer to vote?—A. Yes, sir. I had a vote; I had cast my vote. I offered to, but they wouldn't take it.

Q. Didn't take your vote?—A. No, sir. They said, "You have to go to the city hall and get your name put on the books." I said,

"I know my name is on the list on Fourteenth street." Then they
 "You have got to go there and cast your vote there." I said
 136 don't want to cast my vote there, because I don't live there
 want to vote here." They said, "You can't vote here." I
 "Gentlemen, I am very well acquainted in this ward; everybody knows
 me here." So I go into the next ballot place where I had registered
 and they didn't find my name there; so I went back to my polls.
 I was first, and said, "You must find my name there; it isn't up at
 other place. Then I saw this gentleman here [indicating]. I
 him a good many years before, and he took my vote and put on
 place where I live and my name, and he went into this side room
 talked with these men. This gentleman went out, but he said,
 take your vote, but we must take it under protest. It won't be put
 the box."

Q. Did they register you there?—A. No, sir; they didn't.

Q. Who did you vote for?—A. I voted the Republican ticket
 137 Cross-examination waived.
 Signature waived.

138 JOHN BIERLIN, produced, sworn, and examined on the
 of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. John Bierlin.

Q. Where do you live?—A. I live 2913 Lindell avenue, by Lick
 Park.

Q. How long have you lived there, Mr. Bierlin?—A. I lived
 since 20th of May last.

Q. How long have you lived in Saint Louis, Mr. Bierlin?—A.
 1866.

Q. And how long have you lived in the United States?—A. I
 lived in the United States since 1852.

Q. That is twenty-nine years ago?—A. Yes, sir.

Q. How old are you?—A. I am 48.

139 Q. Then you were about nineteen when you came to the United
 States?—A. Yes, sir.

Q. Did you register last fall at the city hall?—A. I did.

Q. Where were you living when you got registered?—A. When
 registered I had lived where I do now, though I had used to live in
 Twenty-eighth ward. I went to get my transfer, but they put me in
 wrong poll-book. When I come to the polls I wanted to vote, and
 couldn't find my name.

Q. What poll did you go to?—A. At the 213th precinct.

Q. They couldn't find your name?—A. They couldn't find my name,
 no, sir; they found that out there in the 212th precinct. They made
 mistake at the registrar's office.

Q. And your name not being on the books they refused to
 140 your vote?—A. They refused to take my vote, but they took
 my name and put it in a small box.

Q. What ticket did you vote?—A. I voted the Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. They gave you a transfer at the city hall?—A. I suppose so.
 I stated to them the facts and the residence, and then they went to
 maps, and I showed them where it was; and finally they got my name
 in the 212th precinct, instead of the 213th district. Then when I

the poll they wouldn't accept my vote, but afterwards they accepted it, knowing I was a citizen; but they put it into a small box. Two hundred and twelve is not in that neighborhood; that is 'way up on 141 Jefferson avenue and Saint Louis avenue, Elliot avenue, and along up there. Saint Louis and Elliot avenue.

Q. Well, is Elliot avenue the dividing line there between these two precincts?—A. No, sir.

Q. Well, you don't know how you come to get into precinct 212?—A. No; I don't know how.

Q. It was a mistake either on your part or their part?—A. I think it must be on their part, because he went to the map and I showed him exactly the place where I resided.

Q. However your name was not on the polling-list at the place where you went to vote?—A. No, sir; my precinct is 213, but my name was on polling district 212.

Q. You didn't go to 212, did you?—A. I was up there.

Q. You didn't offer your vote there?—A. No, sir.

Q. Therefore you couldn't tell whether it would have been received or not at that poll?—A. As much as I know about voting, 142 and I have done it time and again, I can't vote except in one place; except in the place where I live.

Q. But if you had shown the ticket that you have now in your hand, a transfer ticket to precinct 212, you would have found your name on the list at 212?—A. Well, I would; yes, sir.

Q. Why didn't you go there and offer to vote at the place where your name was recorded on the polling-list?—A. Well, as soon as they accepted my ticket and put it in a small box, I don't know whether it would be counted or not, I just stepped off and came away.

Q. If you had voted at 212 it might have gone into the ballot-box. Why didn't you do that?—A. I don't think it is right for a man to run over town when he knows where his polling precinct is.

Q. But if you had gone to 212 and had shown this ticket they 143 must have taken your ballot?—A. I didn't go there because I wouldn't have been voting where I resided.

Q. So you didn't go up there?—A. No, sir.

Q. And you never tried to vote up there?—A. No, sir.

Signature waived.

144 WILLIAM MOHR, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. William Mohr.

Q. Where do you reside?—A. 1514 Madison street.

Q. How long have you lived there?—A. I have lived there about nine or ten months; I moved the 1st of June.

Q. How long have you lived in Saint Louis?—A. About three and a half years.

Q. Where did you live before you came here?—A. State of New York; Albany and Syracuse.

Q. How long have you lived in those places?—A. Six or seven years.

Q. How old are you?—A. I will be 26 years.

145 Q. Did you come to the United States before you were 21 years old?—A. I was nineteen years old and a couple of months.

Q. That is, when you came here to the United States?—A. Yes, sir; I have got my first papers out in Albany, in New York, but I never got my second.

Q. Did you register at the city hall last fall?—A. No, I did not; — have no time to register.

Q. Have you ever registered in the city?—A. No, sir.

Q. Did you go to the polls on election day?—A. I went to the po— Fourteenth, between Madison and Exchange.

Q. Did you register at the polls?—A. It seems I had to go inside the polls, a gentleman called me in, and I gave him my name.

Q. While you were in there, did you swear? Did you hold — 146 your hand and subscribe to the book?—A. I don't know whether I swore or not; I put my name on a ticket; a gentleman told — my ticket was good.

Q. You don't know whether you held up your hand while he administered an oath?—A. No, sir.

Q. You didn't sign your name to a book that was there?—A. I signed a little paper; I can't tell whether I signed a book or not.

Q. You then offered to vote?—A. He says my vote is good; I gave it to a gentleman inside, and he took it.

Q. What did he do with it?—A. I can't tell what he done with it.

Q. You don't know whether he put it in the box or not?—A. No, sir.

Q. What ticket did you vote?—A. Republican ticket.

147 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You wrote your name on the back of the ticket?—A. Yes, sir; on the back of the ticket is my name.

Q. You don't know whether you swore there or not?—A. No, I do not know.

Q. Who were you speaking to inside, with what men?—A. There was a gentleman there, I would know him if I saw him again; I don't know what his name was—there was three or four of them sitting inside the house.

Q. But you didn't swear in your vote?—A. No, sir; that is, I can't tell whether I did or not, because that is a long time ago; it was in the morning early, when I was there.

Q. You don't know whether you were registered or not?—A. I can't say.

148 Q. But a gentleman told you he would register you?—A. I asked the judge at the window, and he told me to come inside and he would register me. So I went inside, and I told them where I lived; how long I had been living here; he says my vote is good; my vote is good.

Q. Well, you don't know what was done with your ballot?—A. I do not know.

Q. You don't know whether it went into the box or not?—A. No, I can't tell that either.

Signature waived.

149 ROBT. ALEX. SMITH, produced, sworn, and examined o part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. I sign it R. A. Smi

live?—A. I live in the Ashley building, on

Q. How long have you lived there?—A. I have lived there between five and six years.

Q. How long have you lived in Saint Louis?—A. About twenty-three or twenty-four years.

Q. You were born in the United States?—A. Yes, sir.
150 Q. And you have always lived in the United States?—A. Yes, sir. I was in New York for a while.

Q. How old are you, Mr. Smith?—A. I will be 60 in February, the 23d day of this month.

Q. Did you go to the city hall to register last fall?—A. No, sir; I had registered there before.

Q. Had you registered there since you lived at 1214 Broadway?—A. Yes, sir.

Q. While you lived at the same place?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. It was on the corner of Biddle and Broadway.

Q. Did you vote?—A. Well, that is more than I can tell; they took my ticket on protest; that is what they told me.

Q. What ticket did you vote?—A. I voted the Republican 151 ticket with the exception of scratching Mr. Frost's name; that is all I scratched.

Q. But Mr. Frost was on the Democratic ticket?—A. Yes, sir; but I voted the Republican ticket.

Q. Did you vote for Mr. Sessinghaus?—A. I can't say that I did.

Q. Did you or did you not?—A. I don't know that I did; I believe Mr. Frost was the name I scratched off; I know that was the only name that I scratched off.

Q. But Mr. Frost's name was on the Democratic ticket.—A. Well, it was on the Republican ticket, too.

Mr. POLLARD. Oh, no; you are mistaken about that.

A. Then I voted the Democratic ticket; I know I scratched his name off.

Q. When you scratched off his name did you put Mr. Sessinghaus's in its place?—A. No, sir; I did not.

152 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Then you didn't vote for Mr. Sessinghaus at all?—A. No, sir; not that I know of.

Q. You say that you had registered?—A. Yes, sir.

Q. And you were then at the very same place where you are living now, room 59, Ashley building?—A. Yes, sir.

Q. How many people live in that building?—A. That is more than I can tell you.

Q. About how many?—A. That I couldn't tell you; pretty generally there is a good many there; there is a great number of rooms; I couldn't tell you; I have been there the last six years.

Q. Have you lived also in room 60?—A. Yes, sir.

153 Q. When you registered were you living in room 60, were you rooming in number 60?—A. Yes, sir; I registered before—that is, I registered in the other place, and I registered in both places.

Q. At the same time?—A. No, sir; not at the same time, but previous.

Q. Well, did you change your room? When you changed from room 60 to room 59 did you get a transfer?—A. I registered afterwards; I went down and registered after moving.

Q. Just give me an idea of about how many people are in that Ashley building, Mr. Smith?—A. Well, I don't know that I can do it; I suppose there is a couple of hundred people in there and more.

Q. They are coming and going off and on?—A. Yes, sir; coming and going.

Q. There are constant changes there?—A. Yes, sir; you might say there is a constant change.

Signature waived.

154 SAM. AERSCHBOCK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Sam. Aerschbock.

Q. Where do you live?—A. On Salisbury street.

Q. What number?—A. 1125.

Q. How long have you lived there?—A. Five years.

Q. How long have you lived in Saint Louis?—A. Thirteen years.

Q. How long have you lived in the United States?—A. Thirteen years.

Q. You were born in Europe—in the old country?—A. No, sir.

Q. Where were you born?—A. In the old country; in Switzerland.

Q. Have you been naturalized? Did you get out your papers?—A. Yes, sir; there they are; you can see them. Do you want to see them?

Q. No, sir; just keep them in your pocket. Did you register last fall, before the election, down at the city hall?—A. Yes, sir.

Q. How long before the election?—A. At the time of the school board election.

Q. When was that?—A. I don't know the date.

Q. Have you registered at the city hall since you lived at 1125 Salisbury street?—A. Of course; yes, sir.

Q. Did you go to the polls to vote on the second of November last?—A. Yes, sir; I have been voting for ten years.

Q. Where were those polls?—A. Precinct 168.

Q. Did you vote? Did you put in your ballot?—A. Yes, sir.—Q. Did the judges receive it and put it in the box?—A. No, they put it on a nail, not in the box.

Q. Why didn't they put it in the box?—A. I don't know.

Q. Was your name on the poll book there?—A. I don't know that.

Q. What ticket did you vote, Republican or Democrat?—A. Of course Republican ticket. I am a Republican man from the old country.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When did you first register in the city hall?—A. Ten years ago, on Penrose and Broadway.

Q. Where did you next register?—A. On Ferry and Broadway; over that way [indicating].

Q. When was that?—A. Six or seven years ago.

157 Q. When did you go to the city hall?—A. Last fall.

Q. Did you register at the city hall or did you apply for a transfer?—A. I didn't register; I went to notify them that I had moved, in the mean time, to Salisbury street.

Q. If you were registered there was no necessity of your registering again, but simply to apply for a transfer; did you get a transfer or not?—A. Well, I don't know that.

Q. Which did you do, did you transfer or register?—A. I don't know, for I was recorded at the city hall; I don't know whether it was register or transfer; I don't know the difference.

Q. Well, when you went to the city hall last fall, did they give you a ticket?—A. No, sir.

Q. What did you do when you went there last fall?—A. I have already stated two or three times; I told you I went there to notify them that I had moved.

■ 58 Q. Tell us just what passed there.—A. I told that gentleman here that I was a citizen, and I showed him my citizen's papers, and that citizen's paper had a stamp on it.

Q. Is that all that was done?—A. Yes, sir.

Q. That is all that you did there last fall?—A. No.

Q. What else?—A. Nothing further.

Q. Now, you moved from one place to another?—A. Yes; five years ago I moved last.

Q. And you moved to your present residence?—A. Yes, sir.

Q. And last fall, instead of registering, you simply went to the city hall to file your naturalization papers, and they stamped them?—A. Yes, sir.

Signature waived.

■ 59 OLIVER WOODS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Oliver Woods.

Q. Where do you live?—A. Up on Seventh street, between Carr and Biddle.

Q. What number?—A. 1018 North Seventh.

Q. How long have you lived there?—A. I have lived there for the last two years now, it will be, the sixteenth day of March.

Q. How long have you lived in the city of Saint Louis?—A. Two years in this city it will be in March.

Q. You went directly from where you came to this city?—A. Yes, sir; this was the first place.

Q. Where did you come from, Mr. Woods?—A. The State of Ohio.

■ 60 Q. Have you ever lived out of the United States?—A. No, sir.

Q. You are a colored man?—A. Yes, sir.

Q. How old are you?—A. Twenty-eight (28).

Q. Did you go to the city hall to register last fall?—A. No, sir; I did not.

Q. Have you ever registered in the city of Saint Louis?—A. No, sir; never.

Q. Did you go to the polls on the 2d of last November to vote?—A. Yes, sir.

Q. Where?—A. On Fifth street and Biddle—on Fifth near Biddle.

Q. Did you register at the polls?—A. No, sir; I did not.

Q. Did you offer to register at the polls?—A. Yes, sir.

■ 61 Q. Why didn't you register?—A. Well, I went there to register and they said I couldn't register and vote on the same day at the same time.

Q. Who gave you that information?—A. Well, I don't know.

Q. Somebody inside of the polls; inside of the building?—A. Yes, sir; it was inside of the building.

- Q. Then you did not register?—A. No, sir.
 Q. You were there prepared to register?—A. Yes, sir.
 Q. And you offered to register?—A. Yes, sir.
 Q. And after that did you offer to vote there?—A. No, sir; I didn't go back any more.
 Q. What are your politics?—A. Republican.
 Q. What ticket would you have voted if you had been permitted to vote?—A. The Republican ticket.
 Q. The straight Republican ticket?—A. Yes, sir.

162 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You say you did not vote, but offered to register?—A. I offered to register there, yes, sir.

Q. But didn't offer to vote?—A. I couldn't vote without being registered.

Q. Now, have you ever been previously registered?—A. No, sir; no here in this State.

Q. What State were you registered in before?—A. In the State of Louisiana.

Q. When?—A. It has been five years ago.

Q. You are a river man, I presume?—A. Yes, sir; I follow the river all the time.

Q. What is your business?—A. That is my business.

163 Q. Who lives at 1018 North Seventh besides yourself?—A. I am just boarding there with my—

Q. That is a boarding-house, is it?—A. Yes, sir; just boarding there.

Q. Well, when you come to Saint Louis you stop there?—A. Yes, sir; I have been stopping there ever since I came to this city.

Q. That is, whenever you come here?—A. Yes, sir; I come every time to that place regular.

Q. Have you got a boarding-house in New Orleans?

WITNESS. Have I?

COUNSEL. Yes.

A. No, sir; I had a place when I was there.

Q. You have a boarding place at the various places along the river, have you not?—A. No, sir.

Q. Haven't you got a place where you stop at when you stop, and haven't you got these places all along the river?—A. I hardly ever stop anywhere except here and New Orleans.

164 Q. Do you run from here to Vicksburg or New Orleans?—A. New Orleans.

Q. When you get to New Orleans you have a boarding place there, I presume?—A. That was five years ago when I lived there.

Q. No; I am not talking about your living there, but when you go down the river I ask you if you haven't got a boarding place at New Orleans as well as here?—A. I make this my home.

Q. Don't you go down there?—A. I go there once in a while.

Q. You travel constantly on the river?—A. I do.

Q. And one of the points is New Orleans and the other is Saint Louis?—A. I haven't got no other points but this here.

Q. But when you go to New Orleans and lie there for three or four days just as you may lie three or four days at this port you go to a boarding-house there, don't you; you have got a boarding-house there?—A. Of course I have.

Q. You have a boarding place there just as you have here?—A. Yes, sir.

Q. How long have you been running the river, Mr. Woods?—A. Eighteen or twenty years.

Q. So you virtually live on the river?—A. I have been on the river—I have steamboated all my life time, almost since I have been big enough to do anything.

Q. Is there any member of your family at 1018 North Seventh?—A. No, sir.

Q. You just hang out when you come here?—A. Yes, sir; make it my stopping place when I come to the city.

Q. You have boarded at other places?—A. No, sir; never at any other place but this house.

166 Q. But your life has been on the boat?—A. Yes, sir.

Q. How long prior to election day did the boat arrive here?—A. Well, it was some four or five days before election that I come in; some four or five days, along there, before election when I come into the city.

By Mr. POLLARD:

Q. You have made Saint Louis your home for the last two years, haven't you?—A. Yes, sir; I have.

By Mr. DONOVAN:

Q. Haven't you made the boats on the Mississippi River your home for the last twenty years?—A. I never made my home on the boat, but I have been steamboating pretty regular all my life.

Q. And you lived on the boats?—A. Yes, sir; I have been steamboating regularly all the time; I have lived here.

Q. And you are not a married man?—A. No, sir.

167 Q. You have no family?—A. No, sir; no family at all.

Q. Where do your father and mother live?—A. In the State of Ohio.

Signature waived.

168 WILLIAM WILLIAMS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. William Williams.

Q. Where do you live?—A. I live at 1128 North Eighth.

Q. How long have you lived there?—A. The 25th of this month, seventeen months.

Q. How long have you lived in Saint Louis?—A. I came here the 25th of June, 1879.

Q. You are a colored man?—A. Yes, sir.

Q. And you have always lived in the United States?—A. Yes, sir; I was living up on Morgan street; before that I lived in this room where I will now be seventeen months the 20th of this month.

169 Q. Have you a family?—A. No, sir.

Q. You have been in the city a year the 25th of last June?—A. Yes, sir.

Q. Where were you born, of Mr. Williams?—A. Charleston, S. C.

Q. Have you ever lived out of the United States?—A. No, sir; no other than on the sea, shipped into Baltimore; but I have always gone back to South Carolina.

Q. But you have never lived permanently out of the United States?—A. No, sir; other than going there on the ship and coming out.

Q. How old are you?—A. The 10th of April I will be 24 years of age.

Q. Did you go to the city hall to register last fall?—A. I did not
 Q. Did you go to the polls to vote?—A. I did, sir.

170 Q. What polls?—A. Seventh and Biddle; right on the corner.
 Q. Do you know the number of that precinct?—A. It is 48.
 Q. You think it is 48?—A. I know it is.

Q. Did you register on that day at the polls?—A. They wouldn't let me.

Q. Did you offer to register?—A. I did, sir.

Q. Did you go inside of the room?—A. I went inside of the room.

Q. What is the reason they wouldn't register you?—A. They told I couldn't register; that I ought to have registered before that; it was not registering day. I told them I have never registered in city of Saint Louis, and I come to the polls to register there. They told me I couldn't do that. I went there three times. They told me I couldn't register.

Q. Did they give you any reason?—A. They said that I ought to have gone down and register at the city hall. I told them that I couldn't do that; that I wanted to register at the polls, and they said they couldn't take my register. I told them I was waiting at the time, or when the registration was going on, and so I came here to the polls to register.

Q. Did you go to the polls to try to vote?—A. Yes, sir.

Q. You did not vote, not having registered?—A. No, sir.

Q. What ticket did you propose to vote?—A. The Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Did you ever visit the city hall?—A. No, sir.

172 Q. Did anybody ever take you there?—A. No, sir; I don't know where it is. I expect I have passed by it many a time, but I don't know where it is.

Q. Did they tell you at the polls that it was necessary for you to transfer?—A. No, sir; they didn't tell me anything about it. I told them what I have told you, that I had never registered here—I am from Saint Louis; so they told me they couldn't register me. Mr. Carr was there at the time. He lives on Eighth and Carr. I went in there three times. Two times I went in there and stopped there, and then I had come there to swear my vote in. They told me I could do it, so I come out.

Q. They told you that you couldn't transfer at that precinct?—A. No, sir; they didn't tell me nothing. They told me I couldn't register there. I told them how long I lived there.

173 Q. They told you you were in the wrong box?—A. No, sir; they didn't tell me anything of that kind.

Q. That you should have gone to another place to register?—A. No, sir.

Q. They simply said, "You can't register at this precinct?"—A. No, sir; they told me I hadn't registered when everybody else was registering.

Q. Did you make any further inquiries about it?—A. No, sir. I told them my whole circumstances, and they told me to go down.

Q. Down where?—A. Down—

Q. To the next poll?—A. Down to the city hall. They should go there to register. I told them I never had no place to go to. They told me I couldn't come there to register.

Q. Who told you your proper place was in forty-eight?—A. I was living in that precinct.

174 Q. How do you know that; how do you know that your precinct is forty-eight, the precinct in which you live; might it not be forty-nine?—A. No, sir; that is just what it is, "4" and it has an "8" after it; I suppose I have knowledge of such things as far as anybody knows it.

Q. How did you learn it?—A. Well, I don't think it is necessary to answer all them questions. I got that information from talking to people and one thing another; I was inquiring and asking them the day of election what my precinct was; I never understood what it was until they told me there on the day of election; that's the way I understand all these things.

Q. So some person told you that your precinct was forty-eight?—A. Well, I was in the State of Missouri, where I suppose you can talk to a gentleman generally.

175 Q. Do you know the name of any man that told you it was precinct forty-eight?—A. Not to recollect him. I don't recollect now; they was all talking.

Q. About how long did you live on Morgan street?—A. About two months.

Q. That is a considerable distance from 1128 North Eighth?—A. Yes, sir; I suppose it is.

Q. All of a mile?—A. You can throw it into a mile, but I don't know whether it is a mile or not.

Q. 1128 North Eighth is where you live now?—A. Yes, sir.

Q. And you say you lived two months on Morgan street?—A. Yes, sir.

Q. Didn't you live there longer than that?—A. I might have lived there two or three more days; I got a receipt for my room when I paid it; I know when I left I got all my receipts for my rooms.

176 Q. How many receipts have you got for the rental of 1128 North Eighth?—A. I got sixteen receipts in my trunk, and the 25th of this month, or at least the 13th of this month, is due another month's rent. That will be seventeen.

Q. Well, did you go to any other poll on that day?—A. No, sir; I was at the polls where I was living in in the morning; I went inside and they wouldn't let me vote.

Q. You went inside two or three times you said?—A. Yes, sir.

Q. They treated you respectfully, did they, or did they not?—A. Well, I can't think that they did; if they would have let me vote or register they would have treated me manfully.

Q. How long did you remain each time that you went in there?—A.

Well, there were parties in the room there for over half an hour; 177 I was in there too; and then I was standing out in the street afterwards; dinner time I was there three-quarters of an hour; and at six o'clock I was there an hour and a half; at breakfast time I remained over half an hour; I went inside and stopped there and they wouldn't let me vote. I seen the people going in there; so I went in too.

Q. So you took the time of those judges two or three hours of that day?—A. Yes, sir.

Q. That was really very respectful treatment of you, I suppose?—A. I suppose you have ideas about that, sir, yourself.

Q. You so regarded it yourself?—A. Well, I thought so.

Q. Now, the question with you was one of identification was it not?—

A. You must speak a little plainer than that.

(Question read and explained by the notary.)

178 A. Yes, sir; of course; I was claiming to be a citizen there, and I offered to bring a number of witnesses; but they wouldn't receive it.

Q. To prove that that was your name?—A. Yes, sir.

Q. Did you bring them?—A. Didn't require it. They told me it is no use. I should have registered down at the city hall, or some place else than there; that that was no place to register.

Q. Well, you didn't bring anybody there to identify you?—A. They told me they didn't want it; I couldn't register anyhow.

Signature waived.

179 LAZARUS ARBUCKLE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Lazarus Arbuckle.

Q. Where do you live?—A. I live at 1206 North Ninth street.

Q. How long have you lived there?—A. I have lived about four months at that place.

Q. You were living there at the time of the last election?—A. Yes, sir.

Q. How long had you been living there at the time of the election on the 2d of November last?—A. I had been living there a little over a month.

Q. You went there in the last of September?—A. I think it was about that time. I have the receipt with me of the house.

180 Q. How long have you lived in Saint Louis?—A. Two years.

Q. When did you come?—A. I couldn't tell it to the day.

Q. About two years now?—A. Yes, sir.

Q. Where did you come from here?—A. Jacksonville, Illinois.

Q. You have lived here ever since?—A. Yes, sir.

Q. Where were you born?—A. In Palmyra, Macoupin County, Illinois.

Q. You have always lived in the United States?—A. Yes, sir; I have always lived in the United States.

Q. How old are you?—A. I am about twenty-four; I was born in 1855.

Q. That would make you twenty-six, wouldn't it?—A. Yes, sir; twenty-six.

Q. Did you go to the city hall to register last fall?—A. No, sir; I did not.

181 Q. Have you ever registered in the city?—A. No, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were the polls?—A. I went to the polls at a barber-shop, near the corner of Biddle, I think it was.

Q. Biddle and what?—A. Biddle and Seventh.

Q. Did you offer to register there?—A. Yes, sir.

Q. Did you go inside?—A. Yes, sir.

Q. Did you register?—A. No, sir.

Q. Why not?—A. They said that I should have registered before; that they hardly had time to fool with me; they talked as though they didn't have time.

Q. And they didn't register you?—A. No, sir.

Q. And you didn't vote?—A. No, sir.

182 Q. Did you have a ticket or a ballot to vote there that day?—A. I had a ticket, a Republican ticket.

Q. You proposed to vote the Republican ticket there if you had been permitted!—A. Yes, sir.

Q. And you would have voted it if you had been permitted to register!—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You don't know how long you lived in that house previous to election!—A. No, sir; it is a little over a month.

Q. You are guessing at it, aint you?—A. I know I paid rent for a month before the election.

Q. Did you live sixty days at that number previous to the election?
—A. No, sir; I didn't live sixty days there in the same number;
183 I didn't move over there until just a little over a month before the election.

Q. How long had you lived in the ward?—A. Nearly two years; may be quite two years.

Q. And you never registered before?—A. No, sir.

Q. And moved to the residence that you were living at on election day, some time in the neighborhood of a month previous to the election?—A. Yes, sir.

Q. What is your business, Mr. Arbuckle?—A. I had no business in this town. I generally went out to my father and help him farm in the harvest; he lives over in Illinois, and I go over and help him to put in the wheat, and so on.

Q. Are you married?—A. I am married.

Q. Got a wife in the city?—A. Wife and one child.

Q. Did your wife and child go along with you when you went 184 harvesting?—A. No, sir.

Q. How often did you visit the poll on that day?—A. I went to that poll about three times, I think. It was three time.

Q. Do you live in that place by yourself?—A. No.

Q. Who else does live there?—A. My brother lived there.

Q. Does your brother live with you?—A. He lived with me at that time; he lives with my father.

Q. That is, he was visiting you?—A. Yes, sir.

Q. Your brother tried to register too, didn't he?—A. No, sir.

Q. Well, he went into this judge's room with you?—A. No, sir; he staid outside by the window there.

Q. Just near enough, I presume, to see what was passing inside of the polls?—A. Yes, sir.

185 Q. Why did you go back three times when the judges had spoken to you about your case?—A. For this reason: I came down there to vote; but I could not vote, and I thought it was very hard that I couldn't vote; I expected that I could register at the polls, and that I could get in my vote that way. I understood that it was almost impossible for me to register, unless I could get sufficient men to swear for me, to prove my name; that is what they said. I had gone out of the city for a little while to get some things the day before—but I came back the next day.

Q. What do you call home?—A. Piasa, Macoupin County, Illinois; that is, my father owns a place there.

Q. How long did you stay in Illinois when you went the last time?—

A. Just staid over night and came back the next day.

186 Q. But that is your home?—A. Yes, sir; Illinois, where I was residing before that.

Q. Did you bring anybody to the polls to identify you?—A. I did.

Q. Who did you bring?—A. A white gentleman; the man that I rents from.

Q. Who else?—A. That is all.

Q. You just brought one man there?—A. Yes, sir.

Q. Did he have any conversation with the judges or the registrar?—A. I didn't see him saying much; he went there; they said to him that I ought to have gone to the city hall. Nothing more was said, and I didn't bother me any more about it; this man, I don't think he had any talk with them much; that is all they did do there.

By Mr. POLLARD:

187 Q. Do you mean to say that your home is in Illinois, or in Saint Louis?—A. No, sir; my home is in Saint Louis; Illinois is my father's home.

Signature waived.

At this point a recess was taken until this afternoon at the hour of half past two o'clock, at which time all parties in interest being duly assembled, and declaring themselves ready to proceed, the examination of witnesses was resumed, and the following proceedings were thereupon had:

188 JOHN GARRET, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name, Mr. Garret?—Answer. John Garret.

Q. Where do you live?—A. I live on 1116 Wash street.

Q. Where did you live on election day?—A. 1006 North Thirteenth, in the rear.

Q. How long prior to the election did you live at 1006 North Thirteenth?—A. I lived there about three months before the election.

Q. Before the election?—A. Yes, sir.

Q. How long have you lived in Saint Louis?—A. I have lived here about twenty years, I guess.

Q. You are colored man?—A. Yes, sir.

Q. How old are you?—A. Twenty-seven, or thereabouts.

189 Q. Were you registered prior to the last election?—A. Yes, sir; I was registered before this last election.

Q. How long before?—A. I guess it was in the neighborhood of two months and a half.

Q. Did you register at the city hall?—A. Yes, sir.

Q. Where were you living when you registered?—A. 1006 Nort~~h~~, Thirteenth.

Q. At the same place that you were living on election day?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. What polls?—A. Corner Twelfth and Carr.

Q. Did you vote on election day?—A. I went there to vote, but the man said that a man had voted in my place.

Q. And they refused to receive your vote?—A. Yes, sir; they~~were~~ refused to receive my vote.

190 Q. Did you hand your vote to anybody?—A. I did; I handed it to the judges inside.

Q. What ticket did you have?—A. Republican ticket.

Q. Straight Republican ticket?—A. Straight; yes, sir.

Q. Was the ticket put in the ballot-box?—A. No, sir.

Q. The reason alleged was that somebody had already voted on your name!—A. Yes, sir.

Q. Is there any other John Garret there, or was there any John Garret living at 1006 North Thirteenth at the time but yourself?—A. No, sir.

Q. Either in the rear or front?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

191 Q. What is your business, Mr. Garret?—A. I work in a club-house, 618½ Pine street, I did; I am not doing anything at present.

Q. What do you call that club-house?—A. Faro bank, &c.

Q. It is a gambling-house?—A. Yes, sir.

Q. Do you know when John Garret's name was voted at that poll?—A. No, sir; I only know they said it was that day, but I don't know whether it was or not.

Q. Was there anything said to you when that John Garret had voted that day?—A. No, sir; nothing else but that.

Q. Had you or had you not voted previously there?—A. No, sir.

Q. And there is no other John Garret in your vicinity?—A. No, sir.

Q. None that you know of?—A. No, sir; I have been in that neighborhood quite awhile.

192 Q. Did you vote in the second district that day?—A. No, sir; I didn't vote; I went to Eleventh, that is, to Twelfth and Carr to vote, and somebody voted in my place; I guess that is the same district; I don't know.

Q. Do you know how the other John Garret voted?—A. No, sir.

Q. Have you got a father or a son of that name?—A. No, sir; I have got a father, but he is dead.

Q. But just how that ballot was cast you don't know?—A. I know that I went there to vote, and they told me that somebody voted on my name, and I didn't vote.

Q. That is, they said that John Garret had voted there during the day?—A. Yes, sir.

Q. Before you came?—A. Yes, sir.

Q. And you don't know whether he voted for Mr. Frost or Mr. Sessinghaus?—A. No, sir; I do not.

Signature waived.

193 HENRY PARRELL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Henry Parnell.

Q. Where do you live?—A. I live now on Eighth street, between Biddle and Carr.

Q. Where did you live on election day last?—A. I stopped down at the Bethel Home, sir; I stopped there on the day of election.

Q. But where were you living at the time of the election?—A. Stopping down at the Bethel, sir.

Q. Where is that?—A. Down at the foot of Olive street, on the levee.

Q. How long had you been stopping there?—A. Exactly three months, sir.

Q. Have you got any family?—A. No, sir.

194 Q. What were you doing there?—A. Just stopping all night, sir; that is a lodging house.

Q. How long have you been living on Eighth street, between Biddle and Carr?—A. Two months now.

Q. Where were you living before you went there?—A. Well, I was down to the levee before I went there; at the foot of Olive.

Q. Where were you living before you went there?—A. Then I was living on Seventh street.

Q. Whereabouts?—A. Between Wash and Franklin avenue.

Q. Before that time?—A. Yes, sir; before that time; between Wash and Franklin avenue.

Q. Did you vote on election day?—A. No, sir; I didn't.

Q. Why not?—A. Well, I went down to the polls.

Q. Whereabouts were those polls?—A. Well, it was on Olive street—between Locust and Olive.

195 Q. And you didn't go to any other polls?—A. No, sir.

Q. There is some mistake then in calling you?

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You lived down on Olive street?—A. Yes, sir; I lived down on Olive street. I lived at the Bethel Home.

Q. But you attempted to vote down on Olive street?—A. Yes, sir.

Q. That aint in the third district is it?

Mr. POLLARD. It is not.

WITNESS. That is where I attempted to vote at.

By Mr. DONOVAN:

Q. Down in the second district?—A. Yes, sir; down in the second district, and they refused my vote.

Q. Who got you to come here?—A. Well, it was a colored man.

Q. What did he say to you?—A. He asked me if my name is 196 not Parnell, and I says, "Yes," he says, "Did you vote on election day," I told him, "No I didn't." I told him that I couldn't vote, that my vote was refused.

Q. What else did he say?—A. Says he, "I want you to come and go down with me to this office," just so.

Q. Which office?—A. This office here.

Q. Well, you told him that you had been living out of the third district, didn't you, down on Olive street?—A. No, sir; I didn't tell him anything of the kind when we was coming along. No, sir; I didn't.

Q. What did you come here for, if you didn't live in the third district?—A. I was subpoenaed to come here, sir.

Q. Did he say anything more to you now, than you have already stated?—A. No, sir.

197 Q. Did he want to make a vote out of you in the Frost-Sessinghaus contest?—A. No, sir; not at all, sir.

Q. Were you ever arrested?—A. Yes, sir; I have been, but it has been a good while, sir.

Q. You have been in the work-house?—A. Yes, sir; but it has been a good while ago, though, sir.

(Mr. Pollard, counsel for contestant, admits that the witness was not properly in the district of the contestant, and his introduction here as a witness was had through some mistake.)

Signature waived.

198 JOHN LEWIS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. Give us your name, Lewis?—Answer. John Lewis.

Q. Where do you live?—A. 1344 North Eleventh.

Q. In the front or rear?—A. In the rear, sir.

Q. How long have you lived there?—A. Since the eighth of August last.

Q. 1880?—A. Yes, sir.

Q. How long have you lived in Saint Louis?—A. Since 1866.

Q. You are a colored man?—A. Yes, sir.

Q. You have never lived out of the United States, have you?—A. No, sir.

Q. How old are you?—A. I was born on the tenth day of June, 1844; I am thirty-seven years of age.

Q. Did you register prior to the last election?—A. I did, sir.

Q. About how long before the election?—A. Well, I couldn't tell you exactly; but I registered between two and three weeks before the registration was closed.

Q. After you had moved to 1344 North Eleventh?—A. Yes, sir.

Q. You were living there when you registered?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. What poll?—A. Between Tenth and Eleventh, on O'Fallon street.

Q. Did you vote on that day?—A. No, sir.

Q. Why not?—A. I was refused.

Q. What reason did they give you?—A. Well, they said that my name was not on the registration book.

Q. Did you have a ticket there to vote?—A. I did.

Q. What was it?—A. Number fifty-five.

Q. What ticket was it, Republican or Democrat?—A. It was a Republican ticket.

Q. What do you mean by fifty-five?—A. That was the number of the precinct, fifty-five.

Q. You proposed to vote a straight Republican ticket?—A. Yes, sir.

Q. They refused it, because they couldn't find your name?—A. Yes, sir; they refused it because they couldn't find my name.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What is the first time that you registered in the city of Saint Louis?—A. From the last election—I was living then 915 North Eleventh.

Q. Where did you move to from 915 North Eleventh?—A. Well, I moved out to Eighteenth and Gay street; but then I never voted nor registered while I was there, during the time I was there.

Q. Did you get a transfer at the city hall?—A. I did, sir.

Q. I thought you stated that you had registered?—A. Registered; that is my transfer isn't it? I transferred from 915 North Eleventh to 1344 North Eleventh.

Q. Mr. Lewis, there is a difference between registering and transferring?—A. Well, I don't know if it is different; I don't know anything about it.

Q. You went there to notify them that you had changed your residence?—A. When I was at the city hall, I explained that; they asked me where I had voted last before that; I told them; then they registered me from 1344 North Eleventh. They gave me a ticket which was marked for poll No. fifty-five. They gave me that

Q. Where is it located ?—A. It is located on Broadway, I guess, 2419; I was one of the judges.
 32 Q. Mr. Schnur, I shall have to ask you to stand aside; we can get through with your examination much faster at the subsequent period.

(Mr. Donovan, counsel for contestee, consents to the withdrawal of the witness.)

Signature waived.

33 ADOLPH PFEIFFER, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. What is your full name ?—Answer. Adolph Pfeiffer.
 Q. Where do you live at ?—A. 2509 Magnolia street.
 Q. How long have you lived there ?—A. Three years.
 Q. How long have you lived in Saint Louis ?—A. I was born in Saint Louis, and raised here.
 Q. How old are you ?—A. I am 32 years old.
 Q. Did you go to the city hall to register last fall ?—A. No, sir.
 Q. Did you ever register at the city hall ?—A. No, sir; never have registered here.
 34 Q. Did you go to the polls and vote last fall ?—A. Yes, sir.
 Q. What polls ?—A. Elliot avenue and Saint Louis avenue.
 Q. Did you register at the polls on that day ?—A. Yes, sir.
 Q. Did you vote on that day ?—A. Yes, sir; I folded up my ticket and put my residence on it, and they took it in.
 Q. What was that ticket, Republican or Democratic ?—A. Repub-lican.
 Q. Straight ?—A. Straight.
 Q. Now, I understand you to say you didn't register that day, b—but you put your name on the back of the ticket ?—A. I put my name on the ticket. I don't remember whether I was sworn or not; and they told me there was no registration at the polls, but they took all
 35 these votes—the names on the outsides signed; then they put them in an envelope.
 Q. There was no registering officer there ?—A. No, sir.
 Q. Consequently, you didn't swear or subscribe your name ?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. There was no registering officer there at the time you visited it ?—A. No, sir.
 Q. But there was an officer subsequently ?—A. I went there after 6 o'clock again in the evening.
 Q. He, then, didn't happen to be present at the time ?—A. They told me there was nobody there.
 36 Q. At the time that you came there ?—A. Yes, sir.
 Q. Did you wait to see when he would come ?—A. I didn't stay there at all.
 Q. Then you never were registered in the city of Saint Louis ?—I have been registered once down in Frenchtown.
 Q. I thought the contestant's counsel asked you the question whether you had ever been registered before, and you answered, "No." Then you were mistaken ?—A. I was not registered at the city hall.
 Q. But you had been previously registered, and your name was on the registration list ?—A. Yes, sir.

and qualify?—A. They didn't tell me that, that I would have to qualify or anything of that kind; they told me to come back and see the registrar after awhile, that is all; I told them I didn't want to come back after awhile.

Q. So you just dropped the matter there and didn't see the registrar but you saw the judge?—A. I went back that evening before the polls closed, and asked them if they had found my name, and they said, "No, it was not on the registration book." I had gone there again in the evening, and asked them if they had found my name, and they said, "No, it was not on the registration book." I had my ticket and ·207 presented it; I offered my vote; I presented my ticket, and they looked at it.

Q. You didn't swear at that poll?—A. I didn't think it was necessary to swear at the poll.

Q. I mean you didn't make oath there to any facts?—A. No; they never asked me for an oath there.

Q. You didn't hold up your hand and swear to anything there at that poll?—A. No, sir; because they didn't ask me.

Signature waived.

208 JACKSON DUNCAN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Jack Duncan.

Q. Is it Jack or John?—A. Jack—Jackson.

Q. Where do you live?—A. I live on Seventh street, 1018 north.

Q. How long have you lived there?—A. I have lived four years with ~~that~~ man.

Q. How long have you lived in the city?—A. Ever since 1865.

Q. You are a colored man?—A. Yes, sir.

Q. How old are you?—A. They say I am thirty-five.

Q. Did you register at the city hall before the last election?—A. No, sir.

Q. Did you ever register at the city hall?—A. No, sir.

Q. Never did?—A. No, sir.

Q. Did you go to the polls on the second of last November to ~~vote~~?—A. Yes, sir.

Q. What polls?—A. Fifth and Carr.

Q. Did you vote?—A. No, sir.

Q. Did you offer to register on that day?—A. Yes, sir.

Q. Did you go inside of the office?—A. Yes, sir; I went inside of ~~the~~ door.

Q. Why didn't you register?—A. They wouldn't let me.

Q. What did they give as a reason?—A. He said I was not a citizen of the city.

Q. That was the only reason that they alleged?—A. Just please say that again.

Q. Is that all that they told you?—A. Yes, sir.

Q. Did you offer to vote?—A. Yes, sir.

210 Q. What ticket did you offer to vote?—A. The straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You have lived in the city four years, and yet have never registered at the city hall?—A. No, sir, I have never registered at the city hall.



standing near the window, and I was in the crowd; and as the first one would get through he would step out and the rest would close up, fill in; so when I got to the window he asked me if I had registered; I told him, "No, sir." Then he says to me, "Where do you live at?"
 215 I told him 1018; that is what I told him, "I live on North Seventh." He says, "There is too many of you fellows from 1018 voting here." So I went around and went off.

Q. Now, that is all that was done and said?—A. That is all that was done and said. I went on after this.

By Mr. POLLARD:

Q. He told you you couldn't register there?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to the counsel for the contestant putting into the mouth of this witness the fact that he offered to register, inasmuch as counsel for contestee has asked the witness several times what was said and done there, and the witness has stated the circumstances, and he has in no case stated that he offered to register, or that he applied to the registrar for the purpose of registering at that poll.)

Signature waived.

216 JOHN E. MEYERS, produced, sworn and examined on the part of the contestant, deposeth, and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. John E. Meyers.

Q. Where do you live?—A. 1005 North Ninth street.

Q. How long have you lived there?—A. I have lived there a year now.

Q. One year now?—A. Yes, sir.

Q. How long have you lived in Saint Louis?—A. I have lived here ever since 1837; born and raised here in this city.

Q. You are about forty-four years old?—A. Yes, sir.

Q. Did you register before the last election, Mr. Meyers?—A. I did not, sir.

217 Q. Have you ever registered in the city?—A. I did; I went down to the city hall three times; drove my team down there, but it was so crowded I couldn't lose my situation for it.

Q. You had registered here before?—A. Yes, sir; down on Seventeenth and Cass avenue.

Q. You didn't get a transfer ticket?—A. No, sir; I didn't.

Q. Did you go to the polls on election day?—A. Yes, sir; to cast my vote.

Q. What polls?—A. I voted right next to the grocery store on Ninth and Carr; 1101 Ninth, which is the next door to me.

Q. Did you offer to register on election day at that polls?—A. I told him I would like to cast my vote; that I was willing to swear that I had lived there a year; that I was not transferred; that I wanted to cast my vote there. They said that I couldn't register there.

218 Q. What reason did they give you?—A. They said that I had to go down to the city hall and be transferred. I told them I had been there and I couldn't get in because I couldn't lose time. I was driving a team; I couldn't get in.

Q. They refused to register you?—A. Yes, sir. I offered to take my oath there.

Q. Where were you living when you registered?—A. I lived at Cass avenue.

Q. That is not in that precinct?—A. No, sir.

Q. Did you offer to vote there on that day; last election day Not in that precinct, because I wasn't living there. I offered to at my own precinct, and none other.

Q. What ticket did you offer to vote; Republican or Democrat Republican ticket.

Q. And they refused it?—A. Yes, sir.

219 Q. And didn't take it?—A. No, sir.

Cross-examination waived.

Signature waived.

220 GEORGE MASCHMEYER, produced, sworn, and examined on part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. George Maschmeyer.

Q. Where do you live?—A. 909 Wash street.

Q. How long have you lived there, Mr. Maschmeyer?—A. Four ten months now.

Q. How long have you lived in the city Mr. Maschmeyer?—A. I lived in the city twenty-seven years.

Q. How old are you?—A. I am twenty-seven, the eleventh of April.

Q. You were born here?—A. Yes, sir.

Q. And have always lived here?—A. Yes, sir.

Q. Were you registered last fall, before the election, Mr. Meyer?—A. No, sir; I was not.

221 Q. Did you ever register at the city hall?—A. Yes, sir.

Q. How long ago?—A. About two years ago.

Q. Where were you living when you did register last?—A. 801 street.

Q. Is that in the same precinct with 909 Wash street?—A. Yes, in the same precinct.

Q. Did you get a transfer from 801 Carr street to 909 Wash street?—A. No, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where?—A. On the corner of Ninth and Carr.

Q. Did you offer to register and vote there at those polls, on day?—A. Yes, sir.

Q. Did you register there?—A. No, sir.

Q. Why not?—A. Because they wouldn't allow me to.

222 Q. For what reason?—A. They allowed they had no right to register any one at the polls.

Q. Did you offer to vote?—A. I did, sir.

Q. What ticket did you offer to vote?—A. The Sessinghaus ticket.

Q. Did they receive the ticket?—A. No, sir.

Q. They refused the ticket?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. They said they could not allow anybody to register there who been registered from a different place, and whose name was already on the list as registered from a different place?—A. No; the cause given was that they had no right to register any one as long as the son was not transferred.

Q. That is what I wanted to know. They had no right to
223 transfer anybody there?—A. No, sir.

Q. No right to register anybody who should have transferred
previous to the day of election?—A. No, sir.

Q. And that is all they said?—A. That is all they said; yes, sir.

Signature waived.

224 DAN. PALMER, produced, sworn, and examined on the part
of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Dan. Palmer.

Q. Where do you live?—A. I live 1122 Eighth street.

Q. North Eighth?—A. Yes, sir.

Q. How long have you lived there?—A. I have lived there about
three years.

Q. How long have you lived in Saint Louis?—A. I have lived here
about fourteen years.

Q. You are a colored man?—A. Yes, sir.

Q. You have never lived out of the United States?—A. No, sir.

Q. Did you register just before the last November election
225 down here at the city hall?—A. No, sir.

Q. Did you ever register at the city hall?—A. Yes, sir.

Q. That was some years ago, was it?—A. Yes, sir.

Q. Where were you living when you registered at the city hall?—A.
306 Poplar street.

Q. Did you go to the city hall at all last fall?—A. Yes, sir.

Q. What for?—A. For to get my registration removed.

Q. Transferred you mean?—A. Yes, sir.

Q. Did you get it?—A. No, sir; he says it was all right. He looked
on the map.

Q. Who told you it was all right?—A. One gentleman behind the
bar there at the city hall.

Q. Didn't he give you any transfer?—A. No, sir.

226 Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were they?—A. First ward precinct—first precinct
on Poplar street; that is where I register from 306.

Q. Before moving last November did you go to the polls to vote?—
A. I did not. I wasn't here in the city. I was over in Illinois. I was
here on this last election day.

Q. Where did you go last election?—A. Where I had been regis-
tered. This man had changed me, and they told me I couldn't vote
down there. Then I went up on Biddle street, between Eighth and
Seventh, and they wouldn't let me vote there.

Q. Why not?—A. Said I didn't belong there. They couldn't find
my name, and I had been living up there about three years.

Q. So they refused your vote?—A. Yes, sir.

Q. Did you offer to vote there?—A. Yes, sir.

227 Q. What ticket did you offer to vote there?—A. Republican
ticket.

Q. Straight?—A. Yes, sir; straight.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What made you go, in the first instance, to the First ward, 1st
precinct, on Poplar street?—A. Because I always registered from that
number. That is where I live.

Q. So, then, the first thing that you did in the morning was to go down there?—A. Yes, sir.

Q. Did you ask anybody where your poll was?—A. It is on the corner there where I had to go. The 1st precinct was down there, I believe, so I went down there.

Q. Now, how far is the First ward, first precinct, Third and Poplar from Eighth and Biddle?—A. About ten or twelve blocks, I guess.

Q. Well, after you told them that you had been transferred from Third and Poplar to the precinct of Eighth and Biddle, why did you go down to Third and Poplar?—A. I was not transferred at all; I went there and they wouldn't transfer me.

Q. I thought you said that you had transferred?—A. No, sir; I went there to get my transfer but didn't get it; he said it was all right.

Q. If he said it was all right, why didn't you go to the place he said it was all right at?—A. Because I went down first there and they wouldn't let me vote from there.

Q. But if he said it was all right for you to vote at 1122 North Eighth, why did you go a mile away from there?—A. He said it was all right; I showed him my ticket; of course I went down there when I wanted to vote.

Q. If he said it was all right for you to vote from 1122 North Eighth, why didn't you go to that precinct?—A. I had that number and I showed it to him, but he didn't take it; I told him where I had lived, and he says it was all right; but he wouldn't give me no time to say much to him.

Q. Now, you must be very much mistaken in his telling you that it was all right, because these places are a mile apart?—A. Yes, sir.

Q. What length of time did you spend at the registration office?—A. I went there and spent about two hours.

Q. At the registration office?—A. Oh! I went there about half-past eight o'clock and staid there until pretty nearly nine; it was 230 very much crowded.

Q. Did the clerk say it was all right to you, or to some gentleman standing next to you?—A. No, sir; I showed him the ticket, and he says it was all right.

Q. Which, that you had been registered from that place?—A. Yes, sir.

Q. After looking at the map he said it is all right on the map. You showed him your ticket, your registration ticket?—A. Yes, sir.

Q. And he took your ticket and went over to the map and said you are all right?—A. When he said it was all right—well, of course, I went away; I had been boarding before the time, and so I thought it was all right; then I went to where I was living.

Q. This is what transpired at the registration office. You went in there, pulled out your ticket there from 300 Poplar street, showed 231 it to him, and he took the ticket and went over to the map, looked at it, and said it was all right. That is all that transpired there?—A. Yes, sir.

Q. And he gave you no transfer ticket?—A. No, sir.

Q. And you never obtained any?—A. No, sir.

Q. And when you went to the poll near Eighth and Biddle, you showed the judges your ticket?—A. No, sir; I didn't show them my ticket.

Q. But you told them that you had been registered from 300 Poplar?—A. Yes, sir.

Q. The judges told you, then, that you could not vote there unless you obtained a transfer or was registered from your present residence?—A. That is what the man told me.

Q. And you told him that you had not obtained any transfer?—A. I showed him the ticket. He says, "You don't belong here; you must go down there."

232 Q. You had no transfer?—A. No, sir.

By Mr. POLLARD:

Q. Did you tell this registrar—

(Mr. Donovan, counsel for contestee, objects to any leading questions in this case. Counsel for contestee has asked the witness several times what was said at the city hall, and the witness has detailed that he went there, presented his ticket from 300 Poplar, that somebody looked at the map, and he was told it was all right, that the clerk said it was all right, and then he went away.)

By Mr. POLLARD:

Q. Now, did you tell the registering officer that you went there for the transfer; that you had moved to another place?—A. I told him, sir; I told him I had removed up on Eleventh.

233 Q. Did you tell him what number on Eleventh street?—A. 1122; yes, sir.

Q. North Eighth, you mean?—A. Yes, sir.

Q. And he said it was all right?—A. Yes, sir; when I showed him my ticket.

By Mr. DONOVAN:

Q. There was a great hurry at the office there?—A. Well, there was several gentlemen behind the bar there; one man writing; more was talking; and altogether there was two hundred colored men; some was near and some was not.

Q. Is it true or not that you passed over a ticket that you had from 300 Poplar street, and simply asked him, "Is that all right?" and he went to the map and looked, and said, "That is all right?"—A. I didn't ask him, if that is all right. I told him I had moved, and he looked and found my name on the map of the city, and he came back and said, "That is all right;" I told him I had lived at 300 Poplar street, at the time of my registering; that I had moved since this time; and I showed him that paper, and he looked at the map and said it was all right; they sent me from one place to another.

Q. How many people were applying to that clerk at that time?—A. Well, I couldn't exactly say; it was so crowded that you couldn't hardly get in or out the doors.

Q. Do you think the clerk heard you say anything about removal?—

A. He told me so, and I knew I had removed.

Q. He told you what?—A. He says, "You have removed?" I says, "Yes, I have moved to 1122 North Eighth." Then he went and looked on the map and says, "It is all right;" but I went down there, and it was all wrong.

Q. Were you all colored men there?—A. Well, there was some colored men; there was white men, too.

235 Q. But there was a great many colored men?—A. Yes, sir.

Q. Well, you got no transfer and didn't vote?—A. No, sir; I didn't vote. I couldn't get my vote in, at all.

Q. Your name was not on the list up there, where you went to vote?

—A. They said that I couldn't vote there, that I didn't belong there = that I must vote down at the other place.

Q. Notwithstanding the fact that you told them that you had a transfer, you went to the first poll?—A. Yes, sir.

Signature waived.

236 W. H. PRIESMEYER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. W. H. Priesmeyer.

Q. Where do you live?—A. 1003 Carr street.

Q. How long have you lived there?—A. Well, I have lived there, guess, about nine years or ten years; something like that.

Q. You were one of the judges of election, were you?—A. Yes, sir, yes, sir.

Q. At what precinct?—A. At precinct fifty-four (54).

Q. At the last election?—A. Yes, sir.

Q. Mr. Priesmeyer, were there any ballots received by the judges at that poll which were not counted?—A. Well, yes; there had been some three to five, I think, that were rejected, and they were handed 237 to the supervisor, or what you call him, and he put them in an envelope, and put them afterwards in a box.

Q. And they went to the city hall?—A. Yes, sir.

Q. Do you know who cast those ballots?—A. I don't know.

Q. Do you know what they were as to politics?—A. No, sir; I don't know.

Cross-examination waived.

Signature waived.

238 GEORGE DUGLES, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. George Dugles.

Q. Where do you live?—A. 3018 Broadway.

Q. How long have you lived there?—A. For the last eight or years.

Q. At this same number?—A. No, sir; not at this same number.

Q. How long have you lived at this same number 3018?—A. four years.

Q. Did you go to the city hall last fall to register or change ~?—A. I went to the city hall last election; I had re-

—istered there already twice.

Residential election? A. Yes, sir.

- Q. What did they do with it?—A. That I can't tell.
 240 Q. What ticket did you vote Mr. Dugles?—A. I voted the Republican ticket through.
 Q. Which side of Broadway were those polls on?—A. River side; that is, the east side.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. What street was this poll on?—A. Broadway and Benton, I believe.

- Q. Or Broadway and Warren?—A. Broadway and Warren; yes, sir.

- Q. Did you go to the poll on Broadway and Benton?—A. No, sir; there was none there. It was Broadway and Warren; that is it.

- Q. Now, you had been registered for years?—A. Ever since I been in this town; I been registered three times.

- Q. You had registered at the city hall three times?—A. Yes, sir.
 No; not at the city hall; twice at the city hall.

- 241 Q. Where was the other place?—A. Now, I don't remember. I know I was at the city hall twice.

- Q. When you registered the second time, where did you live?—A. The second time, then I was living 3018. The first time I lived at Mrs. Palmer's house; I don't know what number.

- Q. How far away from 3018?—A. Two blocks; 'way above, the other way.

- Q. Well, when you moved there, did you go to the city hall to notify them that you had moved?—A. No, sir; I didn't go to the city hall.

- Q. What did you go there for, if you didn't go there to notify them that you had moved—what did you go there for?—A. Well, I don't know. I just went to register. You see, I went to vote once before, and when I got there and wanted to vote they asked me if I had registered, and I told them no. Then when this election come on I had to register again.

- 242 Q. Wasn't it your duty to go to the city hall to tell them that you had moved from one place to another?—A. That I don't know.

- Q. You didn't do that?—A. No, sir; I didn't do that.

- Q. Therefore you didn't obtain any transfer?—A. No, sir.

- Q. And when you went to the polls they told you that they couldn't register you there?—A. No; they didn't tell me that. After I couldn't get my vote in, they told me that they couldn't do it.

- Q. That you hadn't taken out your transfer?—A. Yes, sir; that is what they told me; yes, sir.

- Q. And that they couldn't transfer you election day?—A. Yes, sir.

By Mr. POLLARD:

- 243 Q. You are a colored man, Mr. Dugles?—A. Yes, sir.
 Q. How do you spell your name?—A. The first name is George.
 Q. Do you know how to spell your name?—A. No, sir.
 Q. You don't know how you spell Dougles; do you call yourself Douglass or Dugles?—A. George Dugles..

Signature waived.

- 244 CHARLES KAISER, produced, sworn, and examined on the part of the contestant, deposeth and saith;

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Charles Kaiser.

Q. Where do you live, Mr. Kaiser?—A. I live 1011 North Th street.

Q. How long have you lived there?—A. Oh, that is, I live there three years already.

Q. How long have you lived in Saint Louis?—A. I come into Louis in 1850.

Q. How old are you?—A. I am about sixty.

Q. Did you come directly from the old country here?—A. No, I was five years in Pennsylvania, and in 1861 I was soldier.

Q. In the Union Army?—A. Yes, sir; by the Fourth Missouri volunteers.

245 Q. How long did you serve in the army?—A. 1862, November, we got mustered out, First Reserve Guards.

Q. Did you ever get any papers?—A. I got my discharge.

Q. Did you register at the city hall before the last election went to register; I was there; it was so full. Oh, it was so body could stand there, and they must have go back again.

Q. So you didn't stay and get registered?—A. I was the times. One time I saw in the newspapers that I can transfer poll.

Q. So you didn't get a transfer?—A. Mr. Moll he was officer, other man. I don't remember the name; he said I shall go registering office.

Q. Did you go to the office?—A. I stand there for two three I got that man I took with me; I asked him; I told him to 246 fer me, and he told me you can't get transferred again.

Q. How long before the election was that?—A. That same election.

Q. How long before the election?—A. That was the same day election; on election day; I was two times before there, and it full up.

Q. Now, did you go to the polls on election day?—A. Yes; he told me when I got no transfer there I shall come and give n he know me very well.

Q. What poll did you go to?—A. That is down on Carr street, 14th and 15th, on the south side.

Q. Have you ever been registered at the city hall?—A. Yes,

Q. Well, you went to the polls; did you offer to register at th to be sworn in there—sworn in to register?—A. He take m why he go to—

247 Q. The judge of election knew you?—A. Yes, sir; all eers that was in there knew me.

Q. What ticket did you vote?—A. Republican ticket.

Q. Straight?—A. Yes, sir.

Q. What did he do with the ticket; did he put it in the ball —A. No, no; there was a man writing, and I go me away.

Q. Did you offer to register, hold up your hand and be sw Did you register your name on the books on election day?—A told me they no don't got my name; then I go me to the city ha if they couldn't find me anyhow; then I come back and the receive my vote.

Q. Did you offer to swear in at the polls on that day, and did that?—A. No, sir; I swear not at the polls.

248 Cross-examination by Mr. DONOVAN, counsel for conte

Q. You never obtained at the city hall—A. No, sir; i

Q. You never obtained at the city hall a transfer from your previous place of registration?—A. No, sir; never.

By Mr. POLLARD:

Q. Have you ever registered at the city hall since you lived at 1011 North Thirteenth?—A. Yes, yes, yes; I am registered here.

Q. I mean at the city hall?—A. Yes, yes; I live first 1313, and I am now into Thirteenth street, 1011, that belongs to that poll.

Q. Are both in the same precinct?—A. Yes, sir; he didn't transfer me; I wanted to.

By Mr. DONOVAN:

Q. Where did you live, Mr. Kaiser, when you registered at 249 the city hall?—A. I got my second paper here; here it is, my second paper; I got my first paper in Pennsylvania.

Question read and interpreted by the notary.

A. Third and Locust, I lived.

Q. You registered from there?—A. Yes, sir; and I moved up into the—

Q. Well, how far is Third and Locust from 1011 North Thirteenth?

(Mr. Pollard, counsel for contestant, says he will answer that question for the witness, that it is not in the precinct, but it is a mile away.)

Signature waived.

Not being able to complete the taking of these depositions, I adjourn the further taking of the same until to-morrow, Saturday, February 12, 1881, then to be continued at the same place, at the hour of half-past nine o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 13.

1 Pursuant to adjournment, as above stated, on the twelfth day of February, 1881, at the hour of half-past nine o'clock in the forenoon, I continued the taking of these depositions as follows:

T. A. REDDING, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. T. A. Redding.

Q. Where do you live?—A. 1410 North Eleventh.

Q. How long have you lived there?—A. I have lived there going on two years, now, sir.

Q. How long have you lived in the city, Mr. Redding?—A. It will be two years, I guess, next April.

Q. How long have you lived in the State?—A. That length of time.

Q. What State are you a native of?—A. Illinois.

2 Q. Have you ever lived out of the United States?—A. No, sir; never have.

Q. How old are you?—A. I am 41 years old; going on 42.

Q. Did you go to the city hall to register last fall before the election?—A. I did not.

Q. Did you go to the polls on election day?—A. I did.

Q. Where?—A. I don't know; the polls that I went to was the proper ones; it was up there between Ninth and Tenth street, on O'Fallon street.

Q. Which side of O'Fallon street, on the right hand side as you go west?—A. On the north side of O'Fallon.

Q. Did you register at the polls, Mr. Redding?—A. I did not, sir.

Q. Why not?—A. They refused me.

Q. You applied there to register?—A. I did, with witnesses.

3 Q. For what reason were you refused?—A. Well, sir, I don't know, unless they found out I wanted to vote the Republican ticket; I don't know anything about that.

Q. Did they allege any reason for refusing you?—A. No, sir.

Q. What did they say when you went there?—A. One of the judges of election asked me if I had my naturalization papers, and I told him I never had been asked for them before; he says, "We have no evidence that you are a citizen of the United States." I had a little bit of discussion with him; I said that I had a citizen there to prove that I had lived there, but they said I ought to have my papers.

Q. And they refused to register you?—A. Yes, sir.

Q. And you went away?—A. Yes, sir.

Q. What ticket did you have there, and were prepared to vote, if you had been permitted?—A. I desired to vote the Republican ticket straight.

4 Cross-examination by Mr. DONOVAN, counsel for contestants:

Q. Had you ever been registered in the city hall?—A. I have not.

Q. Never at the city hall?—A. Never.

Q. You went to the polls on election day and some gentleman asked you if you had ever been naturalized, and you got insulted and walked away?—A. I didn't say that, sir, that I know of.

Q. Well, tell us how it was.—A. You have got it there as I gave it before; well, I made application to vote.

Q. You made application to vote?—A. I did.

Q. And you had never been registered?—A. Yes, sir.

Q. And the gentleman asked you if you had ever been naturalized, and you felt pained at that and walked away?—A. I didn't say that, my friend, that is your part of it; I was finally asked that; I had citizens there to prove my residence here.

Q. But you didn't offer them?—A. I did offer them; I had them there.

5 Q. You offered them to whom?—A. To the judges, as I supposed.

Q. Now, please detail to us the facts as they occurred; you can do it, because you are an intelligent gentleman?—A. Well I don't know what are the facts you want in regard to the matter.

Q. I have an impression that you went there, offered your vote, and somebody asked you whether you were naturalized, and you felt insulted at that and walked away.—A. I didn't say that, my friend; that is your surmise.

Q. I say that is the impression that you leave upon me; now, I want you to detail the facts again just as they occurred at the poll.—A. I will state them again, so that you can get them down. Well, I went there to vote, knowing that I would have to have witnesses, not having been registered, and with those witnesses I went there to identify me as a resident of that ward. I was refused to vote; I had witnesses there to prove my citizenship; and I offered to swear in myself, but was refused; that was all there was of it; in regard to this man asking me the question as to whether I was naturalized, I spoke of that also.

Q. Now, I wish you to carefully consider what I ask, and answer to the best of your ability—you being a remarkably intelligent man—I want you to again state to me just what happened at that poll in regard to your own vote; state it fully, because I don't want to ask any further questions of you.—A. Well I don't know what else you want me to answer, if you ask what you want to know.

By MR. POLLARD:

Q. He wants you to state everything minutely; everything that occurred at that poll.—A. Well, sir; I don't know what else to state in regard to the matter, only that I was refused to vote, and, of course, went away; I was not let to register there; what else could I do, but go away?

By MR. DONOVAN:

7 Q. But I ask you what you did?

WITNESS. What I did?

Q. I ask you that, and you are a very intelligent man, I ask you to state to me minutely, in detail, just exactly the facts in regard to the casting of your vote, or ticket, as it occurred at that poll.—A. Well, I have given the facts.

Q. Will you please give them again to us?—A. Yes, I will do that.

Q. Now, be careful in giving them, and give them just as they occurred, and give them fully.—A. Well, I went there to vote; I went there first with witnesses to identify me as a citizen of Saint Louis, not having registered (having been told that I would be required to have witnesses there), but was refused to vote; was refused a chance to register there; I insisted on it; I seen others I thought do the very same

thing, and I asked why others were allowed to register there, and me refused.

8 Q. Did you hold up your hand and make an oath?

WITNESS. Did I hold up my hand and make an oath? I applied for the privilege to hold up my hand and make an oath; I stood ready to make an oath.

Q. Who were you talking to; were you talking to the judges or the registrar?—A. I was talking to the judges.

Q. Don't you know that there was a registrar there who was the party to whom you must apply?—A. I waited for him there; he was not there.

Q. The registrar was not there at the time, and you didn't wait for him?—A. I did wait some time.

Q. But you didn't wait for him long enough for him to come back to the polls?—A. Oh, yes, I did wait until he came back to the polls.

Q. Did you apply to him?—A. I applied to him and I applied to the judges, also.

Q. And the registrar did not permit you to make oath in regard to your qualifications?—A. That is what I said.

9 Q. How did he refuse you, in what language?—A. Well, don't know as I can state that precisely, either.

Q. Was he a gentleman?—A. So far as I know, he might have been. I never met him before; never seen him before.

Q. What conversation did you have with him, it being his duty to register parties that were entitled to register; he being a gentleman, presume he treated you properly?—A. I suppose he did, as far as knowledge goes.

Q. Didn't he notify you to make oath in regard to your qualifications as a voter?—A. No, sir; he did not.

Q. Did you go to him and offer to qualify as a voter?—A. I did.

Q. What was he there for?—A. That is what I supposed—I can tell exactly.

Q. Wasn't that his only duty there on that day, to register voters?—A. Perhaps it might have been.

Q. Then he was not there to register voters, when it was his sole and only duty?—A. I don't know anything at all about that. I didn't speak to anybody in regard to that after I had been refused positively.

Q. You offered your vote at the window, and one of the judges said that you were not a qualified voter there, and you went away?—A. I didn't say that; I said that I waited until the proper officer came there in order to swear in my vote, and then was refused afterwards.

Q. For you, a man of your intelligence, is to give testimony which is full of mud!—

WITNESS. It is, eh?

Q. You stated you offered to register; you were treated by all parties with consideration, and yet you can't explain to us why you were not permitted to qualify as a voter and to register?—A. Well, I suppose that is the explanation pending now.

Q. Will you please now tell me what passed between you and the registrar at that poll?—A. I told you, sir; that I merely asked the privilege of swearing in my vote.

11 Q. And he denied it to you?—A. He denied it to me.

Q. What did he say?—A. He said that he couldn't administer an oath.

Q. Didn't you say to him that you had come there to register?—A. I did.

Q. Well, then, didn't you say to him, "Why you have administered the oath to others, why don't you administer it to me?"—A. Yes, sir."

Q. You stated that to him?—A. I think I told him that.

Q. Then, what did he say?—A. He said that the proper place for registering was up at the city hall.

Q. And yet you saw him registering other people there?—A. I thought I saw him registering others there.

Q. And registering them in your presence?—A. I seen him swearing in others, sir; just the same as I offered to vote, if they had not been registered.

Q. Well, this man was a gentleman, and he made such a statement to you; he was a gentleman, and did you not call his attention to the fact that he was the registering officer there?—A. I did.

Q. Well, what did he say?—A. I guess he hadn't much to say.

Q. What did he say; if anything?—A. He couldn't take my vote there.

Q. Who said this to you; was that the registrar or the judge that you were talking to?—A. Well, I was talking, sir, to all of them.

Q. You were not talking then to the registrar?—A. I was talking to the registrar and to the judges at the same time; the judges were in his presence and in mine.

Q. You knew that there was a registrar there?—A. I supposed there ought to have been.

Q. And if you had not been registered before, that it was your duty to register then, so that you could vote?—A. Yes, sir; I knew that.

Q. You knew that fact; well, now, had you any business with any body at that poll except the registrar, and for the purpose of registration?—A. Not any, whatever.

Q. Well, now, being an intelligent man, why didn't you simply talk to the registrar, your whole business being with him?—A. I talked to the registrar as I just stated.

Q. Now, isn't it a fact that that registrar did not deny you the privilege of qualifying before him, if you so requested?—A. I was refused the privilege of registering.

Q. By whom?—A. By the registrar at the poll.

Q. By whom?—A. By the registrar, as you call him, and the judges of that election.

Q. And yet in your presence other people were registering?—A. And in my presence I seen others swear in their votes.

Q. You being a white man and an intelligent man and a business man here, you witnessed that thing at that poll?—A. Yes, sir.

Q. And the man didn't know how you would vote, one way or the other?—A. I don't know. I think they rather found out about 14 it how I was going to vote.

Q. You imagine they found it out how you were going to vote?—A. I think that was one of the reasons, sir, that they wouldn't let me register.

Q. Were they registering white men or negroes?—A. Both.

Q. Now, I presume if the registrar would register negroes at that Poll, they being Republicans, that you would also be registered and not be refused, because you might possibly vote the Republican ticket?—A. I don't know; I didn't speak to anybody about that.

Q. You being a white man, it would be a mere matter of conjecture

as to how you would vote; and if they registered negroes they would have no hesitation in registering you, you being a white man?—A.

Yes, sir.

15 Q. Now, haven't you got this whole thing badly mixed up?—A.

I don't know that I have; I haven't bothered my head much about it.

Q. Isn't it a fact that you didn't offer to register at that poll, but offered to vote?—A. Didn't I just state that I offered to register?

Q. Well, you are not a fool?—A. I don't know that I am.

Q. Well, you know very well that you are not a fool?—A. I don't answer any such question as that, sir.

Q. But it is such a remarkable fact that you saw white and black men registering before that registering officer, and yet you say that he denied you the right to register; how do you account for that?—A. I don't account for it at all.

Q. Well, now, the real truth of this case, Mr. Redding, is that you offered to vote there, and that is all?—A. And was refused.

Q. And that is all?—A. Yes, sir.

16 Q. That is the sum and substance of the whole business?—A.
Yes, sir; stated in a few words.

By Mr. POLLARD:

Q. You mean to say, Mr. Redding, that every word that you have testified to about offering to register as well as to vote is exactly the truth?—A. I think so.

By Mr. DONOVAN:

Q. You didn't state that a moment ago?—A. I will state it now, then.

Q. You said that you offered to vote, and your vote was refused, and that was all?—A. I said that what I had stated in regard to the matter was true.

Q. Well, the simple fact was that you offered your vote to the judges, and the judges examined the registration list and found that you were not on them, and they refused you the privilege of voting; is not that the fact now?—A. They refused me the privilege of swearing in

17 my vote, but the judges knew that my name was not registered there.

Q. And the judges refused you that?—A. The proper officers were at that poll; they refused me, all of them.

Q. That is, the judges, they refused you that privilege, and you didn't apply to the registrar?—A. I said that I did apply to the registrar; that I waited for the registrar to return.

Q. How long did you remain at that poll that day?—A. I remained there pretty near an hour.

Q. Who were you talking to during the time that you were there?
A. To several parties.

Q. Outside or inside?—A. Both inside and outside.

Q. How long did you talk to the registrar himself?

(Mr. Pollard, counsel for contestant, objects to the question, because he has four or five times gone over every incident that occurred there.)

18 Mr. DONOVAN. The only reason that I introduced this question is because the gentleman has stated that he was refused registration, because they thought he was a Republican when, they were registering negroes right in his presence, and, therefore, I think he

statement is very extraordinary, and I want to get at the truth and the facts.

A. I didn't state that as a fact; I simply surmised that to be the case.

Q. Do you know the name of the registering officer at that poll?—A. I did not, sir; never did.

Q. Had you seen him before?—A. No, sir; never had.

Q. Have you seen him since?—A. Not to my knowledge.

Q. For how many minutes did you talk to that registering officer?—A. Perhaps ten or fifteen minutes.

Q. During that ten or fifteen minutes, what did he say?—A. I have stated that time and again, that as I hadn't been registered previously at the proper registering place at the city hall, that he had no right to register my vote there.

Q. And yet in your very presence and at that time he was registering negroes?—A. No, sir; other men were swearing in their votes and registering at the time.

Q. Did you call his attention to the fact that he was registering people there at that time?—A. I expect that I did. I stated to you that I did, and thought it was a parallel case exactly, mine with the others that I seen there.

Q. Didn't you call his attention to the fact that right in your presence, while denying his power to register, he was registering people right under your very nose?—A. I thought there might be some other excuse, or there might perhaps be some difficulty.

Q. But he said he didn't have the power to register at all, and yet you saw him registering them?—A. He said that he couldn't.

Q. Couldn't register you particularly, is that it?—A. He refused to register me.

Q. What did you say to him?—A. Well, I can't tell you any more, my friend, what I have said to him; I may have told him a good many things.

Q. Will you tell me that again, that although he was the registering officer at that poll, and in your presence he was registering negroes, you, an intelligent white man, were refused the privilege of registering because the officer told you he couldn't register anybody?—A. I didn't tell you that, sir; I didn't state that he couldn't register anybody.

Q. He couldn't register you?—A. He didn't register me at all, anyhow.

Q. For what reason?—A. I have told you. I suppose there are other reasons.

Q. Had you ever registered before?—A. Never did.

Q. Any place?—A. At no place in this State of Missouri.

Q. Didn't he tell you why he couldn't register you?—A. He did not.

Q. Didn't you insist on knowing why?—A. I did.

Q. After you insisted on knowing, what did he say to you?—A. He didn't give me any very satisfactory answer.

Q. What did he say to you, is my question?—A. I couldn't tell you exactly, what he said.

Q. Did he or did he not, give you a good reason why he could not register you?—A. I don't think he did give me a satisfactory reason.

Q. Well, what reason did he give?—A. The reason that he gave was that he didn't have any right, what I understood him, to register men

there that day who hadn't been registered at the proper place; who had not been registered at the city hall.

22 Q. Oh, then you had applied to a poll where you were not entitled to vote, in a wrong precinct?—A. I didn't say that either.

Q. That might have been the case, that you were in the wrong precinct, is that a fact or not?—A. It is not a fact; I was at the right precinct.

Q. You think you were at the right precinct. But he did talk to you respectfully?—A. Yes, sir; I think so.

Q. And he explained to you why he couldn't register you?—A. He didn't give me any explanation particularly.

Q. Well, didn't you insist that he should explain particularly?—A. Well, yes; I rather insisted on it; but I seen there was no use in insisting—so I went away.

Q. Although you saw negroes registering right in your presence?—A. It was decided that I was not entitled to vote there.

23 Q. And that decision was given after consultation, and in the most respectful manner?—A. I suppose so.

(Signature waived.)

24 WILLIAM C. COLEMAN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. State you full name, please.—Answer. William C. Cole—man.

Q. Where do you live?—A. 1342 North Ninth street.

Q. How long have you lived there?—A. I have lived there nearl—my two years.

Q. How long have you lived in Saint Louis?—A. Since 1871.

Q. Since 1871—that is ten years?—A. Yes, sir.

Q. How old are you?—A. Twenty-four, going on twenty-five.

Q. You are a native of the United States, Mr. Coleman?—A. Yes, sir.

Q. Did you go to the city hall to register last fall, before the election day?—A. I did not, I was registered some time ago.

Q. Prior to that?—A. Yes, sir.

Q. Did you go there to get a transfer?—A. No, sir; the central committee man had my transfer made—Mr. McClellan.

Q. Did you go to the poll on election day?—A. Yes, sir; staid ther—re all the day at the polls.

Q. To what polls did you go?—A. I think it was precinct "50," if am not mistaken. It was in O'Fallon street, between Seventh and Eighth. I am not sure whether that was "50" or "52"; it was one o—of those; but my impression is that it was "50," but I am not sure.

Q. Do you know, Mr. Coleman, whether there were any Chronicle tickets offered there by voters on that election day?—A. Yes, sir; ther—re were.

26 Q. How many?—A. There were five Chronicle tickets cast.

Q. Were those counted by the judges and received?—A. No, sir; they were not. No, sir.

Q. They were not counted; what was done with them?—A. I am sure I couldn't tell you. We saved those three. I had two; the other judge had one; and I remember distinctly some person came round there and called the judges' attention to the fact of the Chronicle tickets; there was two still there—two Chronicle tickets—and he stated that they were illegal. That was my first experience as a judge, and I left

it to the older heads; the two supervisors, the judges, and the clerks decided not to accept them, and I raised no objection. So they went out and threw the Chronicle tickets away; and, I believe, it was 27 the officer in charge there who took them away.

Q. Do you know whose name for Congress was on these Chronicle tickets?—A. Gustavus Sessinghaus's name was on both of them.

Q. Do you know whether the parties who voted these Chronicle tickets, whether their names were on the registration list?—A. These three which were received by the judges, they were on the registration list, or they couldn't have voted; it may be possible that one of those gentlemen who voted the Chronicle ticket registered there, but in any case they registered, or their names were on the registration list before they were allowed to vote. They must have been qualified voters.

Q. Then these three tickets were not counted?—A. They were not. I don't know what became of them.
28 Q. But there were no other Chronicle tickets taken?—A. There were no Chronicle tickets taken except those that I have spoken of.

Q. State whether or not during the day there was any colored man made application for registration who was refused permission to register, if you now remember.—A. No, sir; I don't believe there was; not that I remember.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You do not now know whether or not the people who voted these Chronicle tickets were on your lists, or whether they were registered at the polls?—A. I do not.

Q. What did you state in reference to Mr. McClellan making 29 the transfer there?—A. Well, sir, I registered from 1523 Broadway, when I registered, and since I registered I removed to 1342 North Ninth street. I was very busy at the time, so I got Mr. Charles McClellan or William M. McClellan (I don't know which initial it is), to go to the city hall and have me transferred; which he did.

Q. You didn't go yourself?—A. No, sir; I did not.
Q. He just informed you that you had been transferred?—A. He informed me that I would be transferred; I told him that I was very busy and I couldn't go to the city hall, and he wanted me to act as judge and I told him I would.

Q. Did you find your name on the poll-book there?—A. I had a vote.
Q. Your name, was that printed on the polling list?—A. My name was printed on the polling list.
30 Q. You are a Republican, Mr. Coleman?—A. Decidedly so.

Signature waived.

31 GEORGE P. SCHNUR, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. George P. Schnur.
Q. Where do you live?—A. 2218 Broadway.
Q. How long have you lived here?—A. Eighteen years.
Q. How old are you?—A. Fifty-two.
Q. Were you born in this country?—A. No.
Q. Have you been naturalized?—A. Yes, sir.
Q. Did you go to the polls on election day to vote?—A. Yes, sir.
Q. What polls?—A. Precinct "72."

- Q. Where is it located?—A. It is located on Broadway, I guess — 2419; I was one of the judges.
 32 Q. Mr. Schnur, I shall have to ask you to stand aside; we can go through with your examination much faster at the subsequent period.
 (Mr. Donovan, counsel for contestee, consents to the withdrawal of the witness.)

Signature waived.

- 33 ADOLPH PFEIFFER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

- Question. What is your full name?—Answer. Adolph Pfeiffer.
 Q. Where do you live at?—A. 2509 Magnolia street.
 Q. How long have you lived there?—A. Three years.
 Q. How long have you lived in Saint Louis?—A. I was born in Saint Louis, and raised here.
 Q. How old are you?—A. I am 32 years old.
 Q. Did you go to the city hall to register last fall?—A. No, sir.
 Q. Did you ever register at the city hall?—A. No, sir; never have registered here.
 34 Q. Did you go to the polls and vote last fall?—A. Yes, sir.
 Q. What polls?—A. Elliot avenue and Saint Louis avenue.
 Q. Did you register at the polls on that day?—A. Yes, sir.
 Q. Did you vote on that day?—A. Yes, sir; I folded up my ticket and put my residence on it, and they took it in.

Q. What was that ticket, Republican or Democratic?—A. Republican.

- Q. Straight?—A. Straight.
 Q. Now, I understand you to say you didn't register that day, but you put your name on the back of the ticket?—A. I put my name on the ticket. I don't remember whether I was sworn or not; and they told me there was no registration at the polls, but they took all these votes—the names on the outsides signed; then they put them in an envelope.

- Q. There was no registering officer there?—A. No, sir.
 Q. Consequently, you didn't swear or subscribe your name?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. There was no registering officer there at the time you visited it?—A. No, sir.
 Q. But there was an officer subsequently?—A. I went there after 6 o'clock again in the evening.
 Q. He, then, didn't happen to be present at the time?—A. They told me there was nobody there.
 36 Q. At the time that you came there?—A. Yes, sir.
 Q. Did you wait to see when he would come?—A. I didn't stop there at all.
 Q. Then you never were registered in the city of Saint Louis?—A. I have been registered once down in Frenchtown.
 Q. I thought the contestant's counsel asked you the question whether you had ever been registered before, and you answered, "No." Then you were mistaken?—A. I was not registered at the city hall.
 Q. But you had been previously registered, and your name was on the registration list?—A. Yes, sir.

Q. Had you ever obtained a transfer?—A. Yes, sir.

Q. Then you had moved from where you had resided to another residence; did you ever obtain a transfer at the city hall?—A.

I have never been in the city hall to register, for I always done at the polls. I been outside of the city 3 years; 6 years ago I moved t in the country, and lived there 3 years.

Q. And this time you had not registered as you had previously done? A. No, sir; I just put my name on the ticket and handed my ticket in.

Q. And you were not registered?—A. No, sir.

(Mr. Donovan, counsel for contestee, objects to the examination of witness, inasmuch as his name is not on any notice served on the unsel for the contestee.)

Signature waived.

GUSTAVE MUELLEE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Gustave Mueller.

Q. Where do you live?—A. I live 1411 Exchange street.

Q. How long have you lived there?—A. Well, I have lived there fifteen months.

Q. How long have you lived in Saint Louis?—A. Since '59.

Q. 1859?—A. Yes, sir.

Q. How old are you now?—A. I am going on 39.

Q. You were about 16 when you came here?—A. Yes, sir.

Q. Did you go to the city hall to register last fall, before the election? —A. I did not.

Q. Have you ever registered at the city hall?—A. I had not.

Q. Never did register there?—A. No.

Q. Did you go to the polls to vote on election day?—A. Yes, sir.

Q. What poll?—A. Fourteenth ward.

Q. What is the number of the poll, and where is it situated?—A. It between Exchange and Chambers street, on Fourteenth street.

Q. Did you register at the poll on election day?—A. I did.

Q. Did you vote?—A. I did.

Q. What ticket did you vote, Mr. Mueller?—A. The straight Republican ticket.

Q. Was your vote received and put in the box?—A. Yes, sir.

Q. And put in the box?—A. Yes, sir.

Q. And counted?—A. Yes, sir; it was.

Cross-examination waived.

Signature waived.

LOUIS F. HARDWIG, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. Louis F. Hardwig.

Q. Where do you live?—A. I live, now, 1020 North 14th street.

Q. Where did you live on election day?—A. 1118 North Fourteenth.

Q. How long had you lived there before the election?—A. Well, I believe it was about eighteen months, or more than that; yes, sir; I less it was about twenty-one months.

Q. Did you register at the city hall last fall?—A. No, sir.

Q. How long have you lived in Saint Louis?—A. I was always residing here.

Q. Have you ever registered at the city hall?—A. Yes, sir.
41 Q. Did you register at the city hall while you resided at 1118

North Fourteenth?—A. No, sir; but I left myself to be transferred by one of the central committeemen; I didn't have any time to go and attend to it myself.

(Mr. Donovan, counsel for contestee, objects to the question, because the books themselves are the best evidence of the fact as to whether the transfer was effected or not.)

Q. Did you go to the polls on election day?—A. I did.
Q. What polls?—A. I believe it was "51," situated on Carr, between _____

Fourteenth and Fifteenth.

Q. Was your name on the registration book there, when you got there?—A. No, sir; it was not there.

Q. Did you vote on election day?—A. Well, I voted this way ;
42 they told me that as they couldn't find my name they told me to go to the city hall one of the judges sent me back to the city hall to get a writing there, showing that I lived in that ward there; and they told me if I would go to the city hall and get a transfer down there the man to come back and vote. Well, I went up there, but it was so crowded around there, and the young fellow there told me he had no time; that I should go down to my poll again; that they would swear me in there; so that I went back to the poll; they told me it was all right; I could vote; I had a ticket in my hand, and they told me to put my name, my number, and my residence on the ticket, and my ballot would go in the box.

Q. What ballot did you vote?—A. I voted the Republica _____
43 ticket.

Q. Where did you live when you registered?—A. When I registered I lived on—if I am not mistaken—it was Jay [Gay?] street, between Thirteenth and Fourteenth.

Q. That was in the same precinct where you went to vote on election day, or don't you know?—A. Where I voted that time?

Q. Is the place where you lived when you registered in the same precinct as that where you lived the last election day?—A. No, sir; it was not.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Then you went to the City Hall to obtain the transfer, but
44 there was too great a crowd there, and you couldn't obtain it?—A. They didn't pay no attention there to me; there was a great crowd there, and they couldn't get in, and the man said he didn't want anything to do with it; he said that I could go to the polls; that I would find myself transferred there; that they had transferred my number for me.

Q. Didn't the judges inform you that they couldn't make the transfer on election day?—A. No, sir.

Q. That there was no power under the law to permit such a thing?—A. I don't recollect anything about that.

Q. Do you know whether they did or not?—A. I don't know whether they did; I was told they did.

Q. They told you to go to the city hall and see whether or
45 not you could obtain a transfer, because you were registered out of their precinct?—A. They told me it was all right, and I gave them my ballot.

Q. That you should go to the city hall and obtain the transfer?—A. They told me; yes, sir.

Q. You went there and didn't get it?—A. They told me to go there;

at I would get a notice; and I seen them giving out tickets there; t they wouldn't give me no ticket.

Q. When you went to the city hall the ticket or transfer that you ked for was not obtained?—A. No; I just asked to see if my name is there; they told me I could go there and be transferred.

Q. Don't you know that it was not within the power of any judge at any election poll in the city of Saint Louis, in any of the districts, to make a transfer on election day of any man who had previously registered from a different ward or precinct?—A. No, ; I did not.

Q. But they told you to go to the city hall as the only place where it could be done?—A. Yes, sir.

Q. And you went there and did not obtain a transfer?—A. They d me to go to the city hall; if my name was there they would give a notice or ticket of some kind; I don't know what it was; that I ald then come back and vote.

Q. And you went there and didn't get what you wanted?—A. No, ; they said it was too late; that I could go back to my polls and vote there and be transferred.

Q. He told you that you could go back to the polls and be re-registered; is that the fact or not?—A. I don't know. I disre-member whether he told me that I could go back there and be trans-ferred or not; he just told me to go back there; that they will accept r vote.

Q. You were not registered at the polls?—A. No, sir.

Q. You just offered to vote there?—A. Just offered to vote.

Signature waived.

A. F. RUPPENTHAL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. Give your full name, sir.—Answer. A. F. Ruppenthal.

Q. Where do you live?—A. 1701 North Tenth street.

Q. How long have you lived there?—A. About three years.

Q. How long have you lived in the city?—A. All my life.

Q. Born here?—A. No, not exactly.

Q. Born in the United States?—A. I have lived here since I am two ars old; I have lived here for about thirty-two years.

Q. Did you go to the city hall and register before election day?—A. Yes, sir.

Q. Where were you living—at this same place?—A. 1701 North Tenth; yes, sir.

Q. Did you go to the polls?—A. Yes, sir.

Q. What polls?—A. "57" or "37," Tenth and Brooklyn.

Q. Did you vote on election day?—A. Yes, sir.

Q. Did you vote for Mr. Sessinghaus on election day?—A. I did, sir.

Q. Was your vote received by the judges of election?—A. It was re-ved and no objections raised.

Q. Was it put in the ballot-box?—A. It was.

Q. Did you see it go into the ballot-box?—A. I seen it go into the ballot-box.

Cross-examination by Mr. DONOVAN:

Q. You saw it go into the ballot-box?—A. Yes, sir.

Q. You don't know what they did with it afterwards?—A. No, sir.

Q. Who did you ask ?—A. The registrar there at the poll.

Q. Anybody else ?—A. Except, may be the judges were around there.

Q. Was anything said there about transferring ?—A. No, sir, there was nothing said about transferring.

Q. You saw other people registering, did you not ?—A. I did not.

Q. You know that other people were registering at that poll ?—A. That is what they told me.

101 Q. Why didn't you talk to the people and find out whether the registrar in his statement was correct or not, and whether you had not the privilege of registering there ?—A. Why didn't I inquire ? So I did. Well, he says, if I registered at the city hall, he would not allow me the second time.

Q. Is that all that he said ?—A. Yes, sir.

Q. Well, people whose names were omitted by mistake by the revisers were registered at the polls, were they not ?—A. Well, I couldn't tell.

Q. Well then, you don't seem to have taken interest enough in the matter ?

102 WITNESS. Not interest enough ! I took—it was enough to take two citizens down there, and I wanted to get registered; I thought that was enough to go down there twice, and then I went to the city hall, but there was such a crowd there—I went there to see why they didn't have my name on the poll book, because I put it on the book myself, and it was not there at the time that I came down to the poll.

Q. What did you go to the city hall for ?—A. I went there to see what was done with my name.

Q. Did you go there to obtain a transfer ?—A. No, sir, I didn't ; I didn't go there for that.

103 Q. Did the judges request you to go to the city hall ?—A. They did not.

Q. You went there on your own account ?—A. Mr. Bodenbach says, "Go up and look."

Q. But you didn't ask anybody anything about it ?—A. I didn't go in.

Q. There was too much of a crowd there ?—A. Yes, sir.

Q. And you dropped the subject ?—A. No, sir ; I went to Mr. Sessinghaus and told him I couldn't vote ; they wouldn't allow me to vote.

Q. What did Mr. Sessinghaus do ?

WITNESS. What did Mr. Sessinghaus do ?—A. Well, he says he would see about it.

104 Q. Did he see about it ?—A. I guess he did, else I wouldn't be here.

Q. Did you go to Mr. Sessinghaus on the day of election ?—A. I did not.

Q. Then you went to him subsequently ?—A. Afterwards.

Q. And you told him that you had some testimony to give here ?—A. Yes, sir.

Q. And you didn't pay any more attention to it on election day ?—A. I couldn't ; I guess I didn't have any more time.

Q. Didn't you know that if your name was improperly stricken from the registration list that the privilege was given to people to register at the polls ?—A. I did not.

Q. Your employer was a strong Sessinghaus man, and so were

- Q. Do you know whether they did put it in the box or not, Mr. Landwehr?—A. I don't know; I was outside.
 Q. So you don't know whether it was put in the box and counted or not?—A. No, sir.
 signature waived.

HENRY STRUBBE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

- Question. What is your name?—Answer. Henry Strubbe.
 Q. Where do you live?—A. 1309 Exchange street.
 Q. How long have you lived there?—A. I have lived there for three years; about three years and five months.
 Q. How long have you lived in Saint Louis?—A. Since 1869.
 Q. How old are you?—A. Thirty-three.
 Q. How long have you lived in the United States?—A. Since 1866.
 Q. You came to the United States before you were twenty-one years ago?—A. Yes, sir.

Q. Did you go to the city hall last fall before the election to register?—A. I did not.

- Q. Have you ever registered?—A. Yes, sir.
 Q. At the city hall?—A. No; not at the city hall.
 Q. Never did?—A. No, sir.
 Q. You had registered at the voting precinct heretofore?—A. Yes,

- Q. Did you go to the polls on election day to vote?—A. Yes, sir; I early in the morning.
 Q. Where?—A. Between Madison and Exchange. I forget the number on Fourteenth.
 Q. Did you register on election day?—A. No, sir; I did not.
 Q. Why not?—A. Well, I thought I didn't have to do it when I was moved over there only two years ago.

- Q. When did you last register; how long ago is it?—A. It is about four years ago.
 Q. Were you living at 1309 Exchange street when you registered?—A. No, sir; I lived on Wright street; I forget the number; I believe it's between 16th and 17th.

- Q. How many blocks is that from the polling precinct where you last November—last fall; that is, on the day of election?—A. It is about one square where I live now.
 Q. Where you registered last, is that in the same voting precinct as where you offered to vote this last election?

Mr. Donovan, counsel for contestee, objects to the questions, unless gentleman first states that he is familiar with the lines of the voting precinct.)

Q. No; it aint the same.

By Mr. POLLARD:

- Q. It is not the same.—A. No, sir.
 Q. Did you offer to register at the polls as well as vote?—A. I did not.
 Q. Did you vote?—A. I did not—I voted; yes, sir.
 Q. What ticket did you vote?—A. Straight Republican ticket.
 Q. Was your vote received by the judges?—A. It was struck from list.

Q. That is, your name was not on the list when you went to vote?—
A. It was not on the list.

Q. What did they do with your ticket?—A. I put my name on the back and they took it inside; whatever became of it I don't know.

60 Cross-examination by Mr. DONOVAN, counsel for contestants.

Q. After you moved from the place that you had registered you didn't go to the city hall to notify them of your removal.—A. Yes, sir, I did.

Q. When did you go there?—A. Last fall two years ago; no, it was three or four years ago.

Q. You went there to register?—A. No, sir; transfer, I mean.

Q. Did you get a transfer?—A. I always voted in the same election poll, where I voted two years ago; but my name was not there; so as soon as I moved there I went and got registered because I lived further up town.

Q. Well, you say you obtained a transfer?—A. I did when I moved to the place where I live now; that is over two years.

Q. Now, do you know what I mean by transfer?—A. Yes, sir.

Q. What is your understanding of the word transfer, and what is your understanding of the word register; don't you know that they are two different words?—A. I think transfer means where a fellow moves from one place to another.

Q. Did you register or transfer?—A. Transfer.

Q. When did you go to obtain a transfer?—A. I can't recollect the time; it was last spring about two years ago; next spring about three years.

Q. Are you sure whether that was to be transferred or to be registered?—A. Why it was transferred so that I could vote where I now live.

62 Q. Did you move since?—A. No, sir; I did not.

Q. Well, you found your name was not on the list when you went to the poll last election day?—A. No, sir; it was not on the list.

Q. And you simply offered to vote at the time?—A. Yes, sir; I offered to vote.

Q. That is all that you did?—A. That is all that I did.

Q. Nothing else?—A. No, sir; I didn't have no bother about it. I put my name on the ticket and they took it.

Signature waived.

63 THOMAS WILLIAMS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Thomas Williams.

Q. Where do you live?—A. 1217, I think it is; I have got the number of it in my pocket; [after examination of paper] North Eighth street.

Q. How long have you lived there?—A. Going on three years.

Q. You are a colored man?—A. Yes, sir.

Q. Did you go to the city hall last fall to register before the election?—A. I did not, sir.

Q. You didn't go to be registered then?—A. No, sir; I was in the mountains.

Q. How long had you been away in the mountains?—A. I had been gone about three months.

Q. Did you go away to live?—A. No, sir; to make a trip.

Q. Did you ever register at the city hall?—A. Not since General Grant was elected. I did register then.

Q. And never have registered since?—A. No, sir.

Q. Have you ever had a transfer since you registered?—A. No, sir.

Q. Do you live in the same voting precinct that you lived in then? A. I don't know; I believe I do.

Q. Within the same neighborhood, is it?

(Mr. Donovan, counsel for contestee, objects to the question, because a gentleman has not stated that he is familiar with the lines of his voting precinct.)

By Mr. POLLARD:

Q. You say that you live within two blocks of where you registered?

A. Yes, sir.

Q. How old are you?—A. Twenty-seven years.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Did you vote on election day?—A. I was rejected until I would go out and get witnesses.

Q. Was your name on the books there?—A. They didn't tell; they told me to go out and get three witnesses, and I got a gentleman on Seventh street, a young fellow, and went back, and they ok me inside and swore me and told me to go outside and cast my vote; so I went outside to cast my vote, and they told me to go away; they drove me away.

Q. And you never voted?—A. I come back with these witnesses of mine; staying there a few minutes, and the officers asked me what I wanted, and the marshal outside says he objected to me, just so, because "He is not registered." Then a fellow says, "He has just now registered inside, here is his witness." But he wouldn't take me; they ok my name on the outside and put it in an envelope.

Q. What ticket was that; straight Republican?—A. Republican ticket.

Q. Where were these polls?—A. Right here on 7th street and Biddle; on the north side from here.

Cross-examination by Mr. DONOVAN:

Q. You had been registered previously at Grant's election?

A. Yes, sir.

Q. But you moved from the place from which you registered?—A. Yes, sir; about two blocks.

Q. Did you go to the city hall after that time to notify them of the fact of your removal?—A. No, sir; I wasn't here until the time of the election.

Q. You never went to the city hall to notify them of the fact that you had removed?—A. No, sir.

Q. When you went to the polls to vote, the judges informed you that you having previously registered at a place outside of that precinct, it was your duty to go the city hall to notify them of the fact?—A. They never said nothing to me.

Q. They must have said something since you went in there and talked somebody?—A. They took me inside of the hall, and when I come outside they wouldn't let me vote. They couldn't find my name on the poll books, so they told me.

Q. You got to the ballot-box finally?—A. No, sir.

Q. You stated that you did, and that they received your vote? A. No, sir.

Q. Haven't you stated that they put your ticket in an envelope?—
They passed it in the poll from the outside.

Q. You want us to have the impression on our minds that you ~~c~~
not pass your ticket into that window?—A. I do not.

Q. Well, then, you did pass it in?—A. I never passed it at all, it ~~w~~
wrote on the back of the ticket, and handed to the marshal on the o
side.

Q. Did you or did you not pass in a straight Republican ticket ~~i~~
the window, and hand the same to the judges at that poll?—A. ~~■■■~~
sir.

By Mr. POLLARD:

Q. Just tell what you did there?

Mr. DONOVAN. Hold on now; my examination is not closed, Mr. Pol
lard; you needn't prompt him how to answer my question.

68 By Mr. DONOVAN:

Q. Who wrote your name on the back of that ticket?—A. I
forget the fellow's name; I know him; they said he was some man that
had something to do with the polls.

Q. Just state where was the party when he wrote your name on the
ticket?—A. On the sidewalk.

Q. Then what did you do with it?—A. He kept it and said he would
take care of it for me; he said he would take it to the city hall, saying
that that was his design; that is what he told me.

Q. So, then, you, not having a transfer, took a straight Republican
ticket, had somebody put your name on it, gave it to a man outside of
the polls?—A. The marshal it was.

Q. Do you know whether he was a marshal or not?—A. I know he
was a marshal; he was a white man.

Q. How far was he from the polls—from the window?—A. About
two steps right on the outside.

69 Q. He was within two feet of the polls, was he?—A. Two steps
I said.

Q. Two steps from the polling window?—A. From the boards.

Q. So, then, instead of handing it in to the judges to string it, or hand
to some officer of that election, you handed it to some gentleman out
side?—A. No, sir; the marshal.

Q. That is the manner then in which that ballot was cast?—A. Yes,
sir.

Q. That is within two steps of the polling window?—A. No, sir; of
this board where the voting papers laid on.

Q. So that it was not handed into the window at all, not by you?—
A. Not by anybody.

Signature waived.

70 WILLIS DODD, produced, sworn, and examined on the part of
the contestant, deposeth and saith:

By Mr. POLLARD:

Question. State your full name.—Answer. Willis Dodd.

Q. Where do you live?—A. I live on Lindell avenue.

Q. Where did you live on election day?—A. Lindell avenue, 2925;
next to Mr. Chambers.

Q. Is that near Lindell Park?—A. Yes, sir; betwixt Grand avenue
and Lindell Park.

Q. The number of that house is 2925, is it?—A. Yes, sir.

Q. How long have you lived there?—A. I have been living there ver since the 11th of October.

Q. Did you go to the city hall last fall after you moved to this place before the election?—A. Yes, sir.

Q. Did you register?—A. Yes, sir.
1 Q. Did you go to the polls on election day?—A. Yes, sir.

Q. What polls?—A. On Elliott avenue and Saint Louis avenue. Q. Did you vote?—A. I couldn't vote the first time; they said my name was not on the registration there, but they told me to go back to the hall and get a ticket. I went back to the hall, but it was so crowded couldn't get in for about two hours, and then I had to go back to the Lindell Hotel, because I left a man there standing in my place. Well, when I couldn't get into the city hall I went back to the polls, and the gentlemen they told me they would swear me in and let me vote; so they swore me in at the polls.

Q. What ticket did you vote?—A. The straight Republican ticket.
2 Q. Do you know what they did with that ticket?—A. They made me to put my name on it and the number of my house and where I lived; a man that was in there he put it on the table, he didn't put it in the box though.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When you were last registered where were you registered from; that is, when you last registered at the city hall?—A. From where I live at now.

Q. How often have you been registered in city hall?—A. That is the first time.

Q. Never have been registered before?—A. No, sir.
Q. Why did the judges tell you you had to go to the city hall; was to obtain a transfer that they sent you there?—A. They said they couldn't find my name on the book up there, and I would have to go here and get a transfer. I asked him if he had there registering book here; and I says I put my name on the book myself up there, you must have it here.

Q. You had moved after you had registered?—A. I moved before I registered.

3 Q. Why did the judges say to you that you can't vote until you obtain a transfer?—A. I don't know.

Q. In any case you hadn't registered from that place that you lived on election day?—A. I don't know, sir.

Q. But you went to the city hall?—A. I went there.

Q. But not being able to stay there you got somebody else to go here and obtain a transfer for you?—A. I didn't get any transfer.

Q. But you left them there to obtain a transfer?—A. No, sir; I left man at the Lindell Hotel to work in my place till I could get to vote.

Q. Wasn't he the one that you went with to the city hall?—A. The judge, he told me to go back and get a transfer to vote.

Q. Get a transfer. Well, then, if he told you that, you must have told somebody at the polls something that induced him to give that advice to you?—A. I don't know, sir; he asked me if I registered. I told him yes, and he says, "I will look at the book and see if I can find your name there." I says it must be there, because I so wrote it down. I says, "Have you got the book here? It must be there, because I put it in the book myself."

Q. You told him that you had registered and where you had registered from previously?—A. Yes, sir.

129 HENRY HOWARD, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD :

Question. What is your name, sir?—Answer. Henry Howard.

Q. Where do you live?—A. 2817 Vineyard street.

Q. How long have you lived there?—A. I have lived there two years.

Q. How long have you lived in Saint Louis?—A. Fourteen years.

Q. How old are you?—A. Thirty-six.

Q. You are a colored man?—A. Yes, sir.

Q. Born in the United States?—A. Yes, sir.

Q. Always lived here?—A. Yes, sir.

Q. Did you register just before the last election?—A. Yes, sir; I did, sir.

Q. How long before—about how long?—A. About a month.

130 Q. Did you go to the polls on election day?—A. I did.

Q. Where?—A. At the precinct 211 in the Twentieth ward.

Q. Where are they located?—A. On Twenty-eighth, between Clay and Vineyard.

Q. Did you vote on election day?—A. I did.

Q. Who did you vote for; what ticket?—A. The Republican ticket.

Q. Was your vote received and afterwards put in the ballot-box?—A. It was not put in the ballot-box.

Q. What did they do with it?—A. He had it lying on the ballot-box when I left; he had written my name on it and said that would do.

Q. And you left?—A. Yes, sir.

131 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You say you have been living in Saint Louis fourteen years?—A. Yes, sir.

Q. During that time how often had you been registered at the city hall?—A. Twice; I had been there twice.

Q. How many years prior to last fall were you registered at the city hall?—A. Four years.

Q. Didn't you know that if you registered four years ago there was no necessity of your registering again last fall?—A. Well, they were crowding there and the judges said they couldn't find my name, and he registered me.

Mr. POLLARD:

Q. At the city hall?—A. Yes, sir.

132 By Mr. DONOVAN:

Q. Don't you know that you went there to obtain a transfer?—A. I did, but he couldn't find it, so he registered me.

Q. Now, the name was on the books there if you registered four years prior, and their records were in good shape?—A. I don't know anything about that; he looked over the books, and says, "I can't find your name."

Q. Isn't it a fact that you merely went there not to register, but to obtain a transfer?—A. I went there to register. I couldn't get transfer; he didn't do it.

Q. Are you sure about that, whether it was a transfer or whether you went there to register?—A. I was not transferred.

Q. Where did you live before you lived at 2817 Vineyard?—A. I lived on Twelfth street between Wash and Carr. I don't remember the number.

Q. Treated you with the utmost politeness?—A. Yes, sir.

Q. But you do not know what was done with the ballot after they took it?—A. After they took it. I saw a gentleman carry it back and lay it on the table just behind these men that were working there; he laid it on the table in the house there.

By Mr. POLLARD:

Q. Where were you born?—A. Glasgow, Kentucky.

Q. Have you always lived in the United States?—A. Yes, sir.

By Mr. DONOVAN:

Q. When did you come to Saint Louis?—A. 15th October, a year ago.

Q. Are you a colored man?—A. Yes, sir.

Signature waived.

Henry KROEGER produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Henry Kroeger.

Q. Where do you live?—A. I live on Lindell and Saint Louis avenues, two doors north of Saint Louis avenue.

Q. You live on Lindell two doors north of Saint Louis avenue?—A. Yes, sir.

Q. Do you know the number on Lindell avenue?—A. I don't know; don't believe there is any number.

Q. How long have you lived there?—A. Oh, I have lived there about eight or nine years.

Q. How old are you?—A. I am twenty-four.

Q. Did you go to the city hall last fall to register before the election?—A. Yes, sir; I went there of an evening and they told me that they wouldn't register anybody after five o'clock. There was a big crowd there when I got there and I didn't register at all.

Q. Did you go to the polls on election day?—A. I went there before even o'clock. I told them I was not registered and they told me to come back some other time when the registering man was there.

Q. What polls did you go to?—A. Elliot and Saint Louis avenues. Then I went back down town and they told me to come back. I didn't go there again. I think it was after quitting time—after my work was done, between six and seven o'clock, and they said that he hadn't come in, that he was in there all day and they said he would take the vote, and I put my name on the ticket—on the back of the ticket, and they gave it to the man inside.

Q. You hadn't registered?—A. No; I was sworn.

Q. Who swore you?—A. One of the judges of election.

Q. Did you subscribe any paper or anything that they had there; did you write your name on any book?—A. I wrote my name on the book, and they took the ticket; passed it in.

Q. Who did you vote for; what ticket?—A. Sessinghaus ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Then you were not registered, either at the city hall or at the polls?—A. No, sir; at no place.

Signature waived.

3 HERMANN SPRINGMEYER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name, sir?—Answer. Hermann Springmeyer—

Q. Where do you live?—A. I live on North Sixteenth, between Exchange and Madison.

Q. What is the number?—A. 2112.

Q. How long have you lived there?—A. About two years. I live ~~in~~ before on Madison street.

Q. You lived there two years prior to that time, on Madison street?—

A. Yes, sir.

Q. How long have you lived in Saint Louis?—A. About thirty ~~two~~ years.

84 Q. How old are you?—A. I am forty-nine.

Q. You came here before you were twenty-one?—A. No.

Q. Were you twenty-one years of age when you came?—A. Yes, sir.

Q. How long have you lived in the United States?—A. I have lived here since I am here in 1853.

Q. You came to the city in 1853?—A. Yes, sir.

Q. You came to the United States in 1849, did you?—A. I think so.

Q. How old were you when you came here to the United States?—A. I don't know.

Q. Were you twenty-one?—A. I can't tell that.

Q. Have you ever been naturalized?—A. No, sir; I was always here, in the State of Missouri.

Q. Always here?—A. Yes, sir.

Q. How old were you when you left the old country?—A. I don't know. I don't know. I don't remember now any more.

Q. Were you twenty-one years old when you left the old country?—A. I believe so.

Q. Have you ever taken out naturalization papers?—A. No, sir; I took out my citizen's paper—not naturalization.

Q. You did do that?—A. Oh, yes, sir.

Q. Did you go to the city hall last fall before the election to register?—A. No.

Q. Did you ever register at the city hall?—A. No, sir; I registered before in mine precinct.

86 Q. Never went there to the city hall?—A. In my precinct I registered—not at the city hall.

Q. Did you go the polls on election day?—A. Yes, sir; I did.

Q. Did you register on the last election day?—A. They swore me in and took my ticket; somebody took my ticket.

Q. Did you subscribe to a book or paper or anything?—A. They took the paper with my name on it on the election day.

Q. And you held up your hand and you swore?—A. Yes, sir.

Q. What poll was that?—A. That was on Fourteenth, between Exchange and Madison.

Q. Did you ever get a transfer from the city hall?—A. No, I didn't go there at all.

Q. Never went to the city hall?—A. I never went there ~~in~~ I ^{at} was living there long enough; so I never thought

~~I~~ ^{the} polls on last election day?—A. I

Q. Was there a registering officer there to register men at the poll?—A. No; I don't know, for the supervisor was there, and he took the ticket. He says, "I will take the ticket." He had several tickets there.

Q. Where were you living when you registered last before that?—A. On Madison street.

Q. How far from where you now live?—A. I moved just across the alley.

88 Q. In the same block?—A. In the same block that fronts on Sixteenth street and a front on Madison.

Q. What ticket did you vote this last time; Republican or Democratic?—A. Republican ticket.

Q. Was your name on the books when you went to vote there that day?—A. Yes, sir; my name was on the book, but it was not on the same number of the house.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. The number of the house that you moved from, and from which you had previously registered, was on the list, but not the number of the house that you lived in at that time?—A. Not where I lived in, but where I had lived in before.

89 Q. And then the judges told you it was your duty to go to the city hall and have a transfer made from one to the other?—A. They never told me anything about it. They said, "I take that ticket and that will do," he says.

Q. And, although your number was not properly stated on the registration list, he said he would accept your ballot?—A. Well, some or them says I could vote, and some says I could not. Of course, the other number there was 1523 Madison street, and this is 2112 Sixteenth street.

COUNSEL. Yes; how far are they apart?

A. Well, just one lot, about 115 feet, the lots are not very long; I lived just across the alley before that.

Q. And the judges said something about its being necessary to obtain a transfer in the city hall?—A. They said that wouldn't amount to anything; one fellow says, "No, I take the ticket."

Q. And one said it didn't amount to anything, and the other said he would take the ticket?—A. Yes, sir; he says, "They won't take that whole ticket, but you can vote for President, you can't vote for anything else," I said, "Well, I can't help it."

Q. Well, you had moved from where you had registered previously?—A. Yes, sir; of course I had.

Q. And hadn't obtained a transfer?—A. I had not a transfer.

Q. They were talking about that there?—A. Of course, they said they couldn't transfer me there.

Q. You don't know what they did with your ticket?—A. The supervisor he kept the ticket.

Signature waived.

91 NATHANIEL WILSON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. Nathaniel Wilson.

Q. Where do you live?—A. 2817 Glasgow avenue.

Q. How long have you lived there, Wilson?—A. About eight months.

Q. How long have you lived in the city?—A. It will be thirteen years.

Q. How old are you?—A. Twenty-five.

Q. You are a colored man?—A. Yes, sir.

Q. Did you go to the city hall to register last fall, before the election?—A. Yes, sir.

Q. Did you register?—A. Yes, sir.

Q. Did you go to the polls on election day to vote?—A. Yes, sir.

92 Q. Where?—A. Twentieth ward.

Q. I know it is in the Twentieth ward, but whereabouts in the ward is the poll located; what streets is it on, if you remember?—A. Clay and Cass avenue.

Q. Did you vote on that day?—A. Yes, sir.

Q. What ticket did you vote?—A. Republican.

Q. Was your ticket received by the judges?—A. Yes, sir.

Q. Did they put it in the box?—A. I didn't see them put it in the box, they took it out of my hand and said that would do.

Q. Did you register on the day of election at the polls?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee=

93 Q. You were not registered at the city hall then, nor registered at the polls?—A. I didn't register at the city hall and I didn't register at the polls.

Q. What is your business, Mr. Wilson?—A. Stock-yards.

Q. Do you live in the front or rear of 2817 Glasgow avenue?—A. In the front; I live in the front.

Q. Do you know whether or not your name was on the registration list when you offered to vote?—A. No, sir; I don't know.

Q. Well, you passed in your ballot and went away?—A. Yes, sir.

Q. And that is all that you know about it?—A. Yes, sir.

Signature waived.

94 CHRISTIAN OSTERWICH, produced, sworn, and examined ~~on~~
the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Christian Osterwic~~h~~

Q. Where do you live?—A. Tenth and Carr.

Q. How long have you lived there?—A. Six months.

Q. How long have you lived in Saint Louis?—A. Six years.

Q. How old are you?—A. Twenty-three.

Q. Did you register at the city hall last fall just before the electio~~n~~?—A. Yes, sir.

Q. Did you go to the polls on election day to vote?—A. Yes, sir.

Q. What poll?—A. Ninth and Carr.

95 Q. Did you vote on election day?—No, sir; I did not.

Q. Why not?—A. They wouldn't let me; my name was ~~not~~ on the poll book.

Q. You went there and you found your name was not on the book
A. Yes, sir.

Q. You didn't vote?—A. No, sir; I took two citizens to the poll ~~and~~ and they wouldn't receive them.

Q. What ticket did you try to vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Was it a Chronicle ticket or a straight Republican ticket—A. Straight Republican ticket.

- Q. What polls ?—A. Between Jefferson and Madison streets, on Fourth street.
 Q. Did you offer to register at the polls on last election day ?—A. No, sir; I just went there to take my ballot.
 Q. That is, to give your ballot without offering to register ?—A. Yes, sir.
 Q. Did they receive your ballot ?—A. Yes, sir.
 Q. What did they do with it ?—A. I don't know; I couldn't see it; I was outside.
 Q. Did they put it in the box ?—A. I didn't see it.
 Q. What ticket did you vote, Mr. Goedelke ?—A. Republican ticket.

Cross-examination by Mr. DONOVAN :

- Q. You had registered, but failed to notify the officers at the city hall of your removal ?—A. I was there different times, but I couldn't near it.
 Q. So you didn't notify them that you had removed, and therefore didn't obtain a transfer ?—A. No, sir.
 Signature waived.

STEPHEN JONES, produced, sworn, and examined on the part of the contestant, deposeth and saith :

- By Mr. POLLARD :
- Question. Give us your full name, Jones ?—Answer. Stephen Jones.
 Q. Where do you reside ?—A. I reside on Vineyard street.
 Q. What number ?—A. 2817.
 Q. How long have you lived there ?—A. Well, I lived there about a year.
 Q. One year ?—A. Yes, sir.
 Q. How long have you lived in Saint Louis ?—A. I have been living here now about 16 years.
 Q. How old are you ?—A. Twenty-eight years old.
 Q. You are a colored man ?—A. Yes, sir.
 Q. Did you go to the city hall to register last fall before the election ?—A. No, sir; I went four years ago.
 Q. Did you get a transfer last fall ?—A. Yes, sir.
 Q. Where did you go to get it ?—A. To the city hall.
 Q. Did they give it to you ?—A. Yes, sir.
 Q. Did they give you a transfer ticket ?—A. Yes, sir.
 Q. Did you go to the polls on election day to vote ?—A. Yes, sir.
 Q. Did you vote ?—A. Yes, sir.
 Q. What polls did you go to ?—A. On Clay avenue and Cass avenue.
 Q. Did they take your ballot on that day ?—A. Yes, sir.
 Q. What did they do with it, if you know ?—A. That I don't know, it they done with it.
 Q. What ticket did you vote ?—A. Republican.
- Cross-examination by Mr. DONOVAN :
- Q. Did you register or get a transfer last fall ?—A. I got a transfer.
 Q. Do you live front or rear of 2817 Vineyard street ?—A. I live in it.
 Q. Can you read ?—A. No, sir.
 Q. If you can't read, how do you know what sort of a ticket

Q. Who did you ask?—A. The registrator there at the poll.

Q. Anybody else?—A. Except, may be the judges were around there.

Q. Was anything said there about transferring?—A. No, sir, there was nothing said about transferring.

Q. You saw other people registering, did you not?—A. I did not.

Q. You know that other people were registering at that poll?—A. That is what they told me.

101 Q. Why didn't you talk to the people and find out whether the registrar in his statement was correct or not, and whether you had not the privilege of registering there?—A. Why didn't I inquire? So I did. Well, he says, if I registered at the city hall, he would not allow me the second time.

Q. Is that all that he said?—A. Yes, sir.

Q. Well, people whose names were omitted by mistake by the revisers were registered at the polls, were they not?—A. Well, I couldn't tell.

Q. Well then, you don't seem to have taken interest enough in the matter?

102 WITNESS. Not interest enough? I took—it was enough to take two citizens down there, and I wanted to get registered; I thought that was enough to go down there twice, and then I went to the city hall, but there was such a crowd there—I went there to see why they didn't have my name on the poll book, because I put it on the book myself, and it was not there at the time that I came down to the poll.

Q. What did you go to the city hall for?—A. I went there to see what was done with my name.

Q. Did you go there to obtain a transfer?—A. No, sir, I didn't; I didn't go there for that.

103 Q. Did the judges request you to go to the city hall?—A. They did not.

Q. You went there on your own account?—A. Mr. Bodenbach says, "Go up and look."

Q. But you didn't ask anybody anything about it?—A. I didn't get in.

Q. There was too much of a crowd there?—A. Yes, sir.

Q. And you dropped the subject?—A. No, sir; I went to Mr. Sessinghaus and told him I couldn't vote; they wouldn't allow me to vote.

Q. What did Mr. Sessinghaus do?

WITNESS. What did Mr. Sessinghaus do?—A. Well, he says he would see about it.

104 Q. Did he see about it?—A. I guess he did, else I wouldn't be here.

Q. Did you go to Mr. Sessinghaus on the day of election?—A. I did not.

Q. Then you went to him subsequently?—A. Afterwards.

Q. And you told him that you had some testimony to give here?—A. Yes, sir.

Q. And you didn't pay any more attention to it on election day?—A. I couldn't; I guess I didn't have any more time.

Q. Didn't you know that if your name was improperly stricken from the registration list that the privilege was given to people to register at the polls?—A. I did not.

Q. Your employer was a strong Sessinghaus man, and so were

~~You!~~—A. He was no strong Sessinghaus man; he is a Republican, and ~~so am I.~~

Q. And there were straight Republicans, and many of them there willing to give you advice just in such cases standing in the immediate vicinity of the poll, were there not?—A. They gave me advice enough what to do, but it couldn't be done.

Q. Well, didn't they tell you that people would have the privilege of registering?—A. Yes, sir.

Q. I expect you never stated the full facts of the case, else the ~~106~~ registrar might have given you the privilege of registering there.

There seems to be some mistake about it. Now, did you inquire ~~of~~ the Republican managers there in regard to the facts in the case?

—A. Well, I don't know whether they were Republicans or Democrats.

I think that would be the same thing; I couldn't tell you who they were.

I went to be registered; I told them I had been registered at the city hall, and I told them I had two citizens there, and they told me I

couldn't do that. Mr. Bodenbach says, "You go down to the city hall and see what they done with your name"; that is the whole

~~107~~ facts; I don't know any more.

Q. Well, you went down there, did you?—A. Yes, sir; and found it crowded.

Q. And you didn't do anything after that, but went back to your work?—A. Yes, sir.

Signature waived.

~~108~~ CHARLES COX, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Charles Cox.

Q. Where do you live?—A. 1128 North 8th street.

Q. How long have you lived there?—A. Four or five years.

Q. You are a colored man?—A. Yes, sir.

Q. Never lived out of the United States?—A. No, sir.

Q. How old are you?—A. About 37.

Q. Did you go to the city hall last fall to register before the election?—A. Yes, sir.

Q. About how long before the election?—A. I guess, about four or ~~8~~ weeks.

Q. Did you register?—A. Yes, sir.

Q. Did you go to the polls on election day to vote?—A. Yes, sir.

Q. What poll?—A. It is on 7th street, I think, between Biddle and O'Fallon.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. They said my name wasn't there, or something wrong there.

Said your name was not on the book, so you didn't vote?—A. No,

Did you have a ticket or ballot there to vote on that day?—A. I a Republican ticket.

Straight Republican ticket?—A. Yes, sir.

Q. And they didn't permit you to vote it?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Cox, have you ever been registered at the city hall before me?—A. Yes, sir; I registered.

And when you registered, where did you register.

And what was the number?—A. 1128.

Did you register at any time before last fall?—A. Yes, sir; I registered on Wash street before.

Wash and what?—A. Between 7th and 8th.

You then had registered previous to last fall from a different place than North 8th street?—A. Yes, sir.

Q. Well, now, did you ever obtain a transfer from your home on Wash street to 1128 North 8th?—A. No, sir; not as I know of.

Q. You did not obtain a transfer?—A. No, sir.

Q. And that was the reason that your ballot was not received at the poll?—A. I guess, because I didn't register this time from where I lived at then.

Q. But, if you were registered once, there was no necessity of your registering again. All that you had to do was to obtain a transfer?—A. No, sir; I did not get a transfer.

Q. And that is all the reason that your vote would not be received at the polls?—A. The judges said my name was not on the list.

112 Q. Because they couldn't make a transfer on election day under the law?—A. Well, I had to go up to the city hall to have it transferred afterwards. He told me it was not right, and I couldn't get to vote.

Q. And didn't obtain a transfer?—A. No, sir.

Signature waived.

113 JOHN F. BLOSS, produced, sworn and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. John F. Bloss.

Q. Where do you live?—A. 914 Montgomery street.

Q. How long have you lived there?—A. Two years and five months.

Q. How long have you lived in Saint Louis?—A. Fourteen years.

Q. How old are you?—A. Twenty-five years of age.

Q. How long have you lived in the United States?—A. About 16 years.

Q. You came here before you were 21—you came to the United States before you were 21 years old?—A. Yes, sir.

Q. Did you register last fall at the city hall, just before the election?—A. I did register the 15th of October; yes, sir.

114 Q. At the city hall?—A. Yes, sir.

Q. You were living at the same place, 914 Montgomery?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. What polls?—A. I believe it was number 73, on North Market, between 9th and Broadway.

Q. Did you vote on election day?—A. My name was not there.

Q. Your name, they found, was not on the book?—A. Yes, sir.

Q. Did you go to vote on that day?—A. Yes, sir.

Well, they took me inside, an

115 Q. By registering you what did they do?—A. They took my vote; I had put my name on it, and they kept it.

Q. They didn't swear you inside, or did they; did they make you hold up your right hand?—A. Yes, sir.

Q. Did you write your name on the book?—A. No, sir; on the ticket.

Q. And what did they do with the ticket?—A. I don't know; they kept it there.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Bloss, Mr. Pollard asked you whether you raised up your right hand and swore there at the polls?—A. That is a thing I can't say, whether I swore or not.

116 Q. You don't know whether you swore to your qualifications at the polls, before anybody?—A. That is something I don't know.

Q. Had you ever been registered prior to last fall?—A. Yes, sir.

Q. Where were you living when you registered prior to last fall?—A. I got registered up there in the same place, in the same number where I live now about four times. But I couldn't vote no ticket. Every time when I got there my name was in there, but was stricken off.

Q. If you lived at the place only two years, how can you have offered to register four times from that same place, when we haven't had elections that demanded registration?—A. Well, there was different elections.

117 Q. Was there any four elections during two years prior to this election?—A. I think there was election for school director and things of that kind.

Q. And what else?—A. I can't now say what else it was.

Q. Now, aint you mistaken in saying that you offered to register four times?—A. It is anyhow three or four times; I can swear to three.

Q. Don't you think you are mistaken in that?—A. I don't think that I am.

Q. How often did you register at the city hall on 11th and Chestnut street?—A. I think about four times.

Q. At the city hall?—A. At the city hall.

118 Q. Did you ever go to the city hall to notify them and request a transfer?—A. I went down there the last time, and I transferred when I moved to the place where I live now.

Q. Then you had been registered at the city hall?—A. Yes, sir.

Q. When did you get your transfer?—A. Two years ago.

Q. If you got your transfer two years ago, how was it possible for you to register at the city hall last fall, when there was positively no necessity of doing it, and the officers there under the law could not do it?—A. Well, the last time when I went to the poll I found I couldn't vote.

Q. Don't answer me something I aint asking you.

(Question read by the notary.)

A. Because my name was always stricken off.

Q. What is your business?—A. Painter.

119 Q. Are you a married man?—A. Yes, sir.

Q. How do the numbers run out there on Montgomery street; rather mixed, are they not?—A. The numbers are regular.

Q. Do you know who was the revising officer of your ward?—A. I think it was Mr. Kramer, if I aint mistaken.

Q. A German?—A. I guess so.

Q. And a friend of yours?—A. Yes, sir.

Q. Is he a Republican, or is he a Democrat?—A. He is a Repub-

Q. How do you account for a Republican striking your name off the registration list when he knew you to be a Republican?—A. I didn't know whatever I am.

Q. How long have you known Mr. Kramer?—A. I have known him since I lived there; two years.

120 Q. That is, he lived in your vicinity?—A. He lives right in the next house.

Q. Have you talked with him frequently?—A. I have talked with him.

Q. You have talked to him often?—A. Not so very often.

Q. You are friends and neighbors?—A. We are neighbors and friends certainly.

Q. And you knew him to be a Republican?—A. I did.

Q. And he knew you to be a Republican?—A. I guess he don't.

Q. Well, he had an idea about how you voted, because you always voted the Republican ticket, have you not?

WITNESS. Me?

COUNSEL. Yes.

A. No, sir. I voted the Democratic ticket this time except 121 Mr. Sessinghaus.

Q. Did the Republican reviser erase your name?—A. I can tell who ever did it.

Q. Did you not tell him that you were going to vote for Mr. Sessinghaus prior to the election?—A. No, sir.

Q. Didn't you talk about politics with him?—A. That is a thing I don't talk about. I can't say.

Q. But you think you may have conversed with him about politics?—A. I say nothing about that; I don't know whether I talk to him about that or not.

Q. Didn't he talk to you about voting for Mr. Sessinghaus?—A. I never did.

Q. Didn't he know that you were going to vote for Mr. Sessinghaus?—A. He did not know; no, sir.

Q. Didn't you give him some intimation from which he could infer that you were going to vote for Mr. Sessinghaus?—A. No, sir.

Q. How do you account for it that a Republican reviser will cause to be erased the name of a German who proposes to vote for Mr. Sessinghaus, the Republican nominee for Congress?—A. I don't know who done it; that is a thing I can't tell.

Q. He must have done it?—A. I can't tell.

Mr. POLLARD. Do you know whether Mr. Kramer was a supervisor at the election or a reviser; the latter being a man who is appointed two or three weeks before the election to go around and look over

123 the polling list, and strike the names off if the parties do not live in the numbers from which they have been registered?—A. He was there; he was at the polls.

Q. Then he was a supervisor at the polls on election day?—A. No, sir.

Mr. DONOVAN. Do you know who was the reviser; you told me the reviser was Mr. Kramer?—A. I made a mistake; I don't know. I didn't know no better.

Signature waived.

124 DANIEL DICKEY, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Q. Question. What is your name?—Answer. Daniel Dickey.

Q. Where do you live?—A. 2853 North Grand avenue.

Q. How long have you lived there?—A. I lived there since last April. I ~~were~~ am in the neighborhood about three years.

Q. Have you registered at the city hall since you lived at 2853 North Grand avenue?—A. No, sir.

Q. Did you register at the city hall within four years?—A. About ~~four~~ years ago.

Q. Where did you live when you registered at the city hall?—A. It ~~was~~ was No. 3304 or No. 3306 Laclede avenue. I have forgot. I think it ~~was~~ was 3304.

Q. How far is that from 2853 Grand avenue?—A. It is a mile and three-quarters.

125 Q. Did you get a transfer after you registered at that place?—

A. No, sir; the election before—a year ago, when I voted, I was registered at the polls where I voted.

Q. At the precinct?—A. Yes, sir.

Q. Where did you live then?—A. 2917 North Grand avenue, a block ~~distant~~ distant from where I now live.

Q. Is that in the same voting precinct with 2863 North Grand avenue?—A. It is.

Q. Did you go to the polls on last election day to vote?—A. I did.

Q. You had no transfer ticket?—A. Nothing.

Q. Inasmuch as you lived in the same district?—A. Yes, sir.

Q. Did you vote on that day?—A. I went in the morning, and

126 was refused absolutely. I thought of it all during the day, and I resolved to go back again, and I did at night as I went home. I offered to vote then, and they stated to me I might offer my vote, but must indorse it, and they would place it in another place, which they did.

Q. Did that ballot contain the name of Gustavus Sessinghaus for Congress?—A. Yes, sir; it was what is called the straight Republican ticket that I voted; his name was there, I know.

Q. How long have you lived in Saint Louis?—A. I have lived here about six years.

Q. You are a native of the United States?—A. I am.

Q. How old are you, Mr. Dickey?—A. Fifty-seven years old.

127 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. The only registration that you ever made at the city hall was from 3304 Laclede avenue, which is not, however, your present residence?—A. No, sir; it is not my present residence. It is more than a mile from where I now live. It is near two miles.

Q. And you never obtained a transfer at the city hall?—A. No, sir.

Q. You have spoken here about voting. I will ask you whether you ever obtained a transfer at the city hall; whether you ever obtained a transfer from your former residence to your present residence?—A. No, sir.

128 Q. Why did you neglect that, Mr. Dickey?—A. Simply because I had never thought of it, only immediately before the Presidential election, and the crowd then was so very great I had no time or inclination to stay there a whole week to get registered; that is, to get a transfer.

Signature waived.

129 HENRY HOWARD, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD :

Question. What is your name, sir?—Answer. Henry Howard.

Q. Where do you live?—A. 2817 Vineyard street.

Q. How long have you lived there?—A. I have lived there two years.

Q. How long have you lived in Saint Louis?—A. Fourteen years.

Q. How old are you?—A. Thirty-six.

Q. You are a colored man?—A. Yes, sir.

Q. Born in the United States?—A. Yes, sir.

Q. Always lived here?—A. Yes, sir.

Q. Did you register just before the last election?—A. Yes, sir; I did, sir.

Q. How long before—about how long?—A. About a month.

130 Q. Did you go to the polls on election day?—A. I did.

Q. Where?—A. At the precinct 211 in the Twentieth ward.

Q. Where are they located?—A. On Twenty-eighth, between Clay and Vineyard.

Q. Did you vote on election day?—A. I did.

Q. Who did you vote for; what ticket?—A. The Republican ticket.

Q. Was your vote received and afterwards put in the ballot-box?—A. It was not put in the ballot-box.

Q. What did they do with it?—A. He had it lying on the ballot-box when I left; he had written my name on it and said that would do.

Q. And you left?—A. Yes, sir.

131 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You say you have been living in Saint Louis fourteen years?—A. Yes, sir.

Q. During that time how often had you been registered at the city hall?—A. Twice; I had been there twice.

Q. How many years prior to last fall were you registered at the city hall?—A. Four years.

Q. Didn't you know that if you registered four years ago there was no necessity of your registering again last fall?—A. Well, they were crowding there and the judges said they couldn't find my name, and he registered me.

Mr. POLLARD:

Q. At the city hall?—A. Yes, sir.

132 By Mr. DONOVAN:

Q. Don't you know that you went there to obtain a transfer?—A. I did, but he couldn't find it, so he registered me.

Q. Now, the name was on the books there if you registered four years prior, and their records were in good shape?—A. I don't know anything about that; he looked over the books, and says, "I can't find your name."

Q. Isn't it a fact that you merely went there not to register, but to obtain a transfer?—A. I went there to register. I couldn't get a transfer; he didn't do it.

Q. Are you sure about that, whether it was a transfer or whether you went there to register?—A. I was not transferred.

Q. Where did you live before you lived at 2817 Vineyard?—
133 A. I lived on Twelfth street between Wash and Carr. I disre-
member the number.

- Q. That is a couple of miles from Vineyard street?—A. Yes, sir.
Q. After you moved, did you go to the city hall and tell them that I had moved?—A. I went there on the day that I went to transfer; told them that I had moved.
Q. This was some years afterwards?—A. Yes, sir; four years afterwards.
Q. Not four years?—A. No; not after I moved; I moved there four years from the time I registered before I went to the city hall again.
Q. Well, what did they say to you at the polls?—A. They didn't say anything; they only asked me my name and looked on the books, and said, "That's all right."
Q. Did they tell you whether your name was on the book or not?—They did not; they looked at the book, and says, "That's all right," I put my name on the ticket, and says, "You can go."
Q. You don't know what was done with your ballot?—A. I do not.
Q. You don't know whether it was voted or not?—A. No, sir; I do not.
Q. Or whether it was counted or not?—A. No, sir; I do not.
Signature waived.

EDWARD T. GOODFELLOW, produced, sworn, and examined on the part of the contestant, deposeth and saith:

- By Mr. POLLARD:
- Question. What is your name?—Answer. Edward T. Goodfellow.
Q. Where do you live?—A. On Grand avenue, near Saint Louis avenue.
Q. Do you know the number on Grand?—A. Yes, sir; the number 1822.
Q. How long have you lived there?—A. Since last April.
Q. How long have you lived in Saint Louis, Mr. Goodfellow?—A. All my life.
Q. Born here?—A. Yes, sir. •
Q. Raised here?—A. Yes, sir.
Q. How old are you?—A. Thirty.
Q. Were you registered at the city hall, Mr. Goodfellow, just prior to the last November election?—A. No, sir.
Q. Have you ever registered at the city hall?—A. No, sir.
Q. Never have?—A. No, sir.
Q. Did you go to the polls on last election day, November 2d?—A. No, sir.
Q. Where?—A. On Elliot and Saint Louis avenues.
Q. Did you register at the polls?—A. I offered my vote, and it was used.
Q. What ground was given for refusing your vote?—A. My name is not on the poll books.
Q. Had you ever registered before?—A. Yes, sir.
Q. How long before?—A. I think it was two years this spring.
Q. Where were you living?—A. 2305 Wash street.
Q. Did you get a transfer?—A. No, sir.
Q. Before the last election?—A. No, sir.
Q. Why not?—A. I had something to take me off about that
ie. So I had somebody take my name and have it transferred for me, I didn't have the time to go up and attend to it. This man promised to do it for me, and it was not done. He took two other names up with

him, and they were done, but mine was neglected, or, at least not on the book.

Q. Did the man that took your name up assure you that you had been made?—A. Yes, sir.

Q. And you went to the polls and found your name was not on books?—A. No, sir.

138 Q. Did you offer to register at the polls?—A. Not in the morning, but when I came back again. They told me nobody there to register me.

Q. And consequently you did not register?—A. No, sir.

Q. Did you offer to vote?—A. Yes, sir.

Q. Did you vote?—A. Through the supervisor.

Q. He took your ticket and your name?—A. Yes, sir.

Q. What ticket did you vote; the Republican ticket?—A. Republican ticket.

Q. The straight Republican ticket?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestants:

139 Q. You never obtained a transfer from your last residence and didn't register at the polls?—A. No, sir.

Q. And the place that you registered from on April a mile or two from where you lived on election day?—A. Yes, Signature waived.

140 CHRISTIAN HAECKEL, produced, sworn, and examined part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Christian Haeckel.

Q. Where do you live?—A. 1325 Saint Louis avenue.

Q. How long have you lived there?—A. I have lived there year.

Q. Now?—A. Yes, sir.

Q. How long have you lived in the city?—A. About 16 years.

Q. How old are you?—A. 27.

Q. Did you register prior to the last election at the city hall?—A. Not at this last election, but before.

Q. You had registered before then at the city hall?—A. Yes.

Q. Where did you live when you registered before?—A. I believe it was on Exchange street, between Fifteenth and Sixteenth.

Q. Was that in the same precinct that 1325 Saint Louis avenue is in?—A. In the same polling precinct, or don't you know?—A. I could not tell you.

Q. Did you obtain a transfer from the city hall before this election?—A. No, sir.

Q. You did not?—A. No, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where?—A. It is right beside my residence, on Saint Louis avenue.

Q. Did you register at the polls?—A. No, sir; they would not let me.

Q. They wouldn't permit you to register?—A. No, sir; he said I have to go down to the city hall to do that; so I went to the city hall and was down there about two hours, but I could not get in and I had no time to stay there any longer, so I again—so I went back to the poll again, and I told one of the men there and he says I should put down my name and address on the ticket.

~~1~~ he would take the ticket, and he will put in the back of the room there.

Q. So they received it under protest?—A. Yes, sir.

Q. What ticket did you vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You just offered your ballot at the polls?—A. No, sir; I wanted to register first.

~~143~~ Q. And the judges and the register told you that they had no power under the law to do that, you having been registered from some other place than 1325 Saint Louis avenue?—A. Yes, sir; they said they could not do that.

Q. Could not make a transfer on election day?—A. Yes, sir.

Q. That you should have attended to that matter prior to that time?—A. Yes, sir; I would have to go down to the city hall to do that.

Q. That the law required where there was a change of residence it was the duty of the party to notify the registering officer at the city hall prior to the election?—A. No, sir; they didn't tell me that.

~~144~~ Q. They told you that it was necessary for you to go there and obtain a transfer?—A. He just says I have to go down to the city hall and get a transfer or register.

Q. Where did you live at before you moved to 1325 Saint Louis avenue?—A. Fourteenth and Benton streets.

Q. How far was that from 1325 Saint Louis avenue?—A. It is about four squares.

Q. It was out of the voting precinct that 1325 is in?—A. I don't know about that.

Q. You don't know whether it is or not?—A. No, sir.

~~145~~ Q. But if it is four blocks away, it is very likely to be out of that voting precinct, is it not?—A. Well, I don't know how far the precinct runs.

Signature waived.

~~146~~ DAVID ROSKILLY, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name?—Answer. David Roskilly.

Q. Where do you live?—A. 2422 North Ninth.

Q. How long have you lived there?—A. Since the 20th of September.

Q. How long have you lived in Saint Louis?—A. All my life.

Q. Born here?—A. Yes, sir.

Q. How old are you?—A. Twenty-six.

Q. Did you go to the city hall just prior to the last November election to register?—A. No, sir.

Q. Did you ever register at the city hall?—A. Yes, sir.

Q. How long ago?—A. Four years ago last Presidential election.

Q. Where were you living then?—A. Cass avenue, between Tenth and Eleventh, number 1015.

~~147~~ Q. Did you get a transfer?—A. No, sir.

Q. Did you go to the polls last November to vote?—A. Yes, sir.

Q. What polls?—A. On North Market, between Broadway and Ninth.

Q. Did you register at the polls?—A. No, sir.

Q. Why not?—A. They told me there was nobody there to register me.

Q. Did you offer to register there?—A. Yes, sir; I went there to register and vote.

Q. And they told you there was nobody there, so you didn't register?
—A. No, sir; they took my vote on a string; I took my turn.

Q. What ticket did you vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Didn't they also tell you that it was impossible to have
148 register there in case you had failed to obtain a transfer
your previous place of registration?—A. Yes, sir; they told
that, but they told me they would take my ballot too.

Q. But they told you that, under the law, they had no right to transfer you on election day, where you had moved from the place from which you had previously registered, unless you had gone to the city hall notified the authorities there?—A. I told them that I thought my name was stricken off the books before.

Q. How far was 1015 Cass avenue from 2422 North Ninth?—A. A fifteen blocks.

Q. In an entirely different voting precinct?—A. Yes, sir.

Q. Why didn't you go to the city hall and notify them there of removal from one place to another?—A. I didn't have the time; I was working at night then.

149 Q. So you just neglected the matter?—A. Yes, sir.

Q. And for that reason the judges could not accept your ballot on election day?—A. Yes, sir.

Signature waived.

150 CHARLES GOEDICKE, produced, sworn, and examined on part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Charles Goedicke.

(Mr. Donovan, counsel for contestee, objects to the counsel for contestant calling any more witnesses whose cases are those of failing to transfer where they had been previously registered, for the reason that if those ballots are to be considered by the House of Representatives it would simply force upon the contestee the labor of bringing in and calling a number of Democrats who offered to vote for Frost, were refused for the very same reason, to wit, that they had failed to make their transfers.)

By Mr. POLLARD:

Q. Where do you live, Mr. Goedicke?—A. 1306 Monroe.

Q. How long have you lived there?—A. It is about four years.

Q. How long have you lived in the city?—A. Twenty years.

151 Q. How old are you?—A. Fifty-six, most fifty-seven.

Q. How long have you lived in the United States?—A. The whole time that I was here.

Q. Have you got your naturalization papers?—A. Yes, sir.

Q. Did you go to the city hall and register before the last election?—A. No. I only got once registered; it was on Broadway at Labeaume, when I lived there.

Q. How long ago was that?—A. Seven years ago.

Q. You never went to the city hall to register since then?—A. sir.

Q. Did you go to the city hall to transfer?—A. I didn't have time.

Q. Did you go to the polls last election day?—A. No, sir.

Q. What polls?—**A.** Between Jefferson and Madison streets, on Fourteenth street.

Q. Did you offer to register at the polls on last election day?—**A.** No, sir; I just went there to take my ballot.

152 Q. That is, to give your ballot without offering to register?—
A. Yes, sir.

Q. Did they receive your ballot?—**A.** Yes, sir.

Q. What did they do with it?—**A.** I don't know; I couldn't see it; I was outside.

Q. Did they put it in the box?—**A.** I didn't see it.

Q. What ticket did you vote, Mr. Goedelcke?—**A.** Republican ticket.

Cross-examination by Mr. DONOVAN:

Q. You had registered, but failed to notify the officers at the city hall of your removal?—**A.** I was there different times, but I couldn't get near it.

Q. So you didn't notify them that you had removed, and therefore didn't obtain a transfer?—**A.** No, sir.

Signature waived.

153 STEPHEN JONES, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. Give us your full name, Jones?—**Answer.** Stephen Jones.

Q. Where do you reside?—**A.** I reside on Vineyard street.

Q. What number?—**A.** 2817.

Q. How long have you lived there?—**A.** Well, I lived there about a year.

Q. One year?—**A.** Yes, sir.

Q. How long have you lived in Saint Louis?—**A.** I have been living here now about 16 years.

Q. How old are you?—**A.** Twenty-eight years old.

Q. You are a colored man?—**A.** Yes, sir.

Q. Did you go to the city hall to register last fall before the election?—
A. No, sir; I went four years ago.

Q. Did you get a transfer last fall?—**A.** Yes, sir.

i54 Q. Where did you go to get it?—**A.** To the city hall.

Q. Did they give it to you?—**A.** Yes, sir.

Q. Did they give you a transfer ticket?—**A.** Yes, sir.

Q. Did you go to the polls on election day to vote?—**A.** Yes, sir.

Q. Did you vote?—**A.** Yes, sir.

Q. What polls did you go to?—**A.** On Clay avenue and Cass avenue.

Q. Did they take your ballot on that day?—**A.** Yes, sir.

Q. What did they do with it, if you know?—**A.** That I don't know, what they done with it.

Q. What ticket did you vote?—**A.** Republican.

Cross-examination by Mr. DONOVAN:

Q. Did you register or get a transfer last fall?—**A.** I got a transfer.

Q. Do you live front or rear of 2817 Vineyard street?—**A.** I live front.

Q. Can you read?—**A.** No, sir.

155 Q. If you can't read, how do you know what sort of a ticket

you had in your hand?—A. I had my wife to read it before I put it in.
 Q. Do you know what name was on the ticket for President?—A. Garfield.

Q. Do you know what name was on the ticket for governor of the State of Missouri?—A. Sessinghaus.

Q. And you voted for him?—A. Yes, sir.

Q. For governor?—A. Yes, sir.

Mr. DONOVAN. That is all.

Signature waived.

156 JACOB HYDE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. Jacob Hyde.

Q. Where do you live?—A. On Vineyard street.

Q. Do you know the number?—A. No, sir. I have got the number down here.

Q. Between what streets is it?—A. I don't know, sir; here is the number. [Handing paper to counsel for contestant.]

Question by counsel. Is it 2817 Vineyard street?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to the leading nature of this question, because the gentleman doesn't know where he lives; he expects that he lives some place on Vineyard street.)

By Mr. POLLARD:

157 Q. How long have you lived there?—A. Over a year.

Q. How long have you lived in the city of Saint Louis?—A. I was here when they were building the bridge.

Q. Eight or ten years ago?—A. Yes, sir.

Q. How old are you?—A. I don't know.

Q. About how old?—A. I don't know, sir.

Q. You are over thirty?—A. Yes, sir, I guess I am.

Q. You are a colored man?—A. Yes, sir.

Q. Used to be a slave?—A. Yes, sir.

Q. Did you go to the city hall to register last fall before the election?—A. Yes, sir.

Q. Were you then living at 2817 Vineyard street?—A. Yes, sir.

158 Q. About how long before the election?—A. I went there about two or three weeks before.

Q. Did you register?—A. Yes, sir.

Q. Did you go to the polls on election day to vote?—A. Yes, sir.

Q. Where?—A. Out here on—between Vineyard and Cass avenue.

Q. On what street?—A. I don't know, sir, what street.

Q. How far is it from where you live?—A. It aint far.

Q. About one or two blocks?—A. Yes, sir.

Q. Did you vote on election day?—A. Yes, sir.

Q. They took your vote, did they?—A. Yes, sir.

159 Q. What ticket did you vote that day?—A. Union ticket.

Q. Did you vote the Republican ticket?—A. Yes, sir; I vot~~ed~~ the Union ticket.

Q. You didn't vote the Democratic ticket, did you?—A. No, sir.

Q. What did they do with your ticket?—A. They held it in their hands and told me to get down.

Q. Was this poll on the corner of Clay and Cass avenues, where you voted?—A. Yes, sir.

(Mr. Donovan, counsel for contestee objects to this manner of examining witness, and insists that the gentleman shall ask him the facts, and ask him where the polls are, and not put it into his mouth
 160 so that he will simply have to answer "yes.")

By Mr. POLLARD:

Q. Now, did you vote the straight Republican ticket?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What is your number on Vineyard street?—A. 2817.

Q. You got that number from counsel for contestant here?—A. I got the number here.

Q. That is from this gentleman [indicating]?—A. I got it here.

Q. Did you live there a year and didn't know the number, and had to be told by some person?—A. I can't read; it sometimes slips my remembrance.

Q. Didn't your wife tell you where you lived?—A. All my 161 family has been sick for some months.

Q. Didn't somebody tell you where you lived, before you came here?—A. Yes, sir; they told me, but I forgot it.

Q. Who wrote it on the paper for you?—A. Mr. Jones.

Q. Who's Mr. Jones?—A. A colored gentleman.

Q. When did he write it?—A. He wrote it to-day.

Q. Wrote it at your house?—A. No, sir.

Q. Where?—A. Coming along.

Q. Then he came with you here?—A. Yes, sir; he is here.

Q. Does he know whether that is your number or not?—A. Yes, sir; we all live in the same number, together.

162 Q. You take his word for it?—A. Well, the white folks get their letters there.

Q. But you take Mr. Jones's word for it?—A. The white folks told me that that is the number; they can read, and they get their letters there.

Q. Why didn't you say that yourself when Mr. Pollard asked you the question; why did you have to wait until Mr. Pollard himself told you that you live at 2817 Vineyard street?—A. I couldn't think of the number.

163 Q. Now, how long have you lived in the State of Missouri?—A. I have been here—I don't know exactly; I have been here this last time—I came here when they were building the bridge down on the wharf.

By Mr. POLLARD:

Q. You mean this big iron bridge?—A. Yes, sir.

By Mr. DONOVAN:

Q. When did you register at the city hall?—A. About three or four weeks before election day.

Q. And how long before that did you register?—A. That is the first time I ever registered since I been here.

Q. Never registered before in this city?—A. No, sir; not in Saint Louis.

Q. Didn't you vote for General Grant?—A. Yes, sir.

Q. Could you have voted for General Grant without registering?—A. I wan't here; I used to live at another place when I voted for Grant.

164 Q. Where was that?—A. Nashville, Tennessee.

Q. How long were you there?—A. I was raised there. I was born and raised there in Nashville, Tennessee.

Q. You say you voted for General Grant in Nashville?—A. Yes, sir.

Q. Now, do you recollect what year that was?—A. No, sir.

Q. Do you recollect how long ago it was?—A. No, sir.

Q. Do you recollect when the bridge was built? Give us the year, if you can.—A. I don't know, sir, exactly; I can't remember that. I was working under Captain Newton.

Q. Isn't your mind very much confused about this matter?—
165 A. No, sir; but I have got no learning; I been brought up as a slave.

Q. Might you not be mistaken about this thing?—A. No, sir.

Q. Did you ever vote for General Grant in the State of Missouri?—
A. No, sir.

Q. Did you vote for Mr. Hayes?—A. Yes, sir; I voted, because I voted all my life.

Q. Where did you vote at?—A. This is the first time ever I vote here in my life.

Q. This is the first time that you ever voted in the city of Saint Louis?—A. Yes, sir.

Q. For anybody?—A. Yes, sir.

Q. Now, when you went to the poll what did they say to you?—
166 They found my name and told me "All right." "That was all right," and took my ticket and held it.

Q. They found your name?—A. Yes, sir.

Q. And then took your ticket?—A. Yes, sir; and held it in their hands.

Q. And said it was all right and you went away?—A. Yes, sir; I staid there a good little bit, and the man told me to get down; I wanted him for to put my ticket in the box.

Q. Well, did they put it in the box?—A. Not while I was there; they just held it in their hands.

Q. And you don't know whether it was counted or not?—A. No, sir.

Signature waived.

167 JOHN BRUNS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name, sir?—Answer. John Bruns.

Q. Where do you live?—A. Nineteenth street; 2124.

Q. How long have you lived there?—A. Well, it will be a year in June.

Q. You went there in this last June?—A. Yes, sir.

Q. How long have you lived in Saint Louis?—A. Well, I have been, I suppose, for about seventeen years.

you?—A. On the twenty-first of May I will be twenty-eight.

Q. Where?—A. On North Market and Nineteenth. I don't know; I couldn't say the number.

Q. About the corner of Nineteenth and North Market?—A. No, sir; it was about the middle of the block.

Q. Which side of the street is it on?—A. Between Nineteenth and Twentieth.

169 Q. Isn't it between Nineteenth and Eighteenth?—A. No, sir; between Nineteenth and Twentieth, on North Market.

Q. Did you vote on election day?—A. When I went there first they said that they couldn't find my name, and they wouldn't let me vote; but I went back and said to them fellows that I knew that I had a right to vote. So I went up to the polls and my vote was given in.

Q. Do you know whether or not they put it in the box?—A. I couldn't say.

Q. What ticket did you vote?—A. I voted the Garfield's ticket straight through.

Q. Straight Republican ticket?—A. Yes, sir.

170 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When did you register at the city hall, before last fall, Mr. Bruns?—A. I never did before.

Q. Never have gone there to register?—A. No, sir.

Q. When you went to the poll, what did the judges say to you?—A. They said they couldn't find my name.

Q. Just offered your ballot?—A. Yes, sir.

Q. To the judges?—A. Yes, sir.

Q. And that is all that you did?—A. And that is all that I done.

Q. And you went away?—A. Then I went away. I spoke to several of the other fellows, and they said that I could vote.

171 Q. Tell us, now, all that you did at that poll.—A. I went back there, and my vote was taken in.

Q. Just tell us all that you did at that poll.—A. That is all.

Q. That is all that you did?—A. Yes, sir; that is all.

Q. You went back and handed in your ticket to the judges, and they took it?—A. Yes, sir.

Q. And you don't know what they did with it?—A. I don't know.

Q. Then they told you your name wasn't in the list?—A. That is what they said.

Q. Then you are satisfied that is all that was said or done there by you or them in reference to your case?—A. That is all I done there.

Signature waived.

172 LONDON MOORE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. London Moore.

Q. Where do you live?—A. I live on Jefferson avenue and Warren.

Q. On the corner?—A. Not exactly on the corner; there is a kind of dry goods store on the corner, and I live in a little frame, right back in the yard.

Q. Which corner is it?—A. It is the southeast corner.

Q. What I mean is, which corner of the street is it; north or south, or east or west? Which corner is it?—A. It is the southeast corner of the street.

173 Q. That is, it is on the corner nearest to the river. It is on the east side of Jefferson?—A. Yes, sir.

Q. And on the south side of Warren?—A. Yes, sir.

Q. And the east side of Jefferson, you think?—A. Yes, sir; I know.

Q. How long have you lived there?—A. Well, I been there, in that block, for about ten or twelve years.

Q. In that same block?—A. In that same block.

Q. How long had you been living in this particular house?—A. I been living there, the twenty-third of March it will be, I guess, about eight months.

Q. You are a colored man?—A. I am.

174 Q. Never lived out of the United States?—A. No, sir.

Q. How old are you?—A. Will be thirty-three years old the 16th day of this coming October.

Q. Did you go to the city hall to register last fall?—A. I did; I went there to be transferred.

Q. Did you get the transfer?—A. I had a number—

Q. I just ask you, did they transfer you there at the city hall?—A. Yes, sir.

Q. Did they give you the ticket?—A. Yes, sir; they gave me the ticket.

Q. Did you go to the polls on election day?—A. I did.

175 Q. Did you go to the polls where your name was on the registration book?—A. I did. The first poll I went to was on 19th and Benton, and they told me that I couldn't vote there; they took hold of my ticket and looked at it, and told me I couldn't vote there. They told me that I ought to go over to Cass avenue and Clay.

Q. And you went over there?—A. Yes, sir.

Q. And did they find your name there at Cass avenue?—A. Yes, sir; they found my name there.

Q. Did you vote there?—A. I handed in my ticket, and some of those judges there, said they knewed me, where I lived; I had been living in that neighborhood for the last ten years, and they knewed it was right; and they wrote something on the ticket, 176 and some of those persons that were present said they would see that my vote was not mistreated.

Q. What ticket did you vote there?—A. The straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do you know whether or not the southeast corner of Jefferson avenue and Warren street is your polling precinct, or is it Cass and Clay avenues where you ought to vote?—A. I couldn't say, but my name was found on the book there by the judges.

Q. But could the judges find that if your name was at the polls 177 on Cass and Clay avenue? How could you vote there when you informed them that you lived on the southeast corner of Jefferson avenue and Warren street?—A. My ticket showed where they registered me down at the city hall. I showed that to them and they said it was all right; but whether they made a mistake down at the city hall, I don't know that.

Q. What makes you think that they made the mistake down there?—A. That is what I don't know; some parties at the polls said there was a mistake on the ticket.

Q. And they found that your name was there, although you live 178 out of that polling precinct?—A. My name was on the book at the precinct?

Q. But they told you that you lived out of that polling precinct?—A. No; the judge didn't tell me that.

Q. But you did live out of the polling precinct, did you not?—A. I don't know. I don't think I did.

Q. Well, why did you first go up to Nineteenth and Benton to cast your vote?—A. I thought because I lived on the east side of Jefferson that that was my poll to vote at; so I just went up there and showed them my ticket and they wouldn't allow me to vote there.

Q. Did you vote on Nineteenth and Benton before?—A. Yes, sir.

179 Q. While you were living there?—A. I was up there; they told me that I had been changed, that is the reason that I went up there to find it out. I was told that my ward had been changed.

By Mr. POLLARD:

Q. You mean precinct, not ward?—A. Precinct. I used to go up to Nineteenth and Benton, but it was changed now.

By Mr. DONOVAN:

Q. When you were transferred did you get the ticket?—A. I did.

Q. Well, you passed your ballot in to the judges there, and you don't know what was done with it?—A. I don't know what was done with it. There was some party there said that it didn't get in, but whether it went or not I don't know.

180 Q. You don't know what action was taken on it?—A. No, sir. I don't know what was done with it afterwards.

Q. When you moved where did you move from, in the same block?—A. I moved in the same block; it was on the same side of the street, but only I moved from one corner to the other.

Q. Moved across the street?—A. No, sir; moved from one corner of the block to the other.

Q. In the same block?—A. Yes, sir.

Q. When you registered what number did you give for your house?—A. Well, I said "There is no number there at all," and they looked on the map at the city hall and they told me exactly where I lived.

Q. And you gave them the place as the southeast corner of Jefferson avenue and Warren street?—A. I did.

Q. Were you living in the rear?—A. Yes, sir.

Q. Then you were living in the rear, and you simply gave them your address as the southeast corner of Jefferson avenue and Warren street?—A. I told them in the rear.

Signature waived.

182 ISAAC MILLER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Isaac Miller.

Q. Where do you live?—A. Live now on North Lindell Park.

Q. How long have you lived there?—A. I have lived there about two years, pretty near, lacking two months, this month and next month.

Q. How long have you lived in the city of Saint Louis?—A. I have lived here, in Saint Louis, about sixteen years.

Q. How old are you?—A. About twenty-eight years.

Q. You are a colored man?—A. Yes, sir.

183 Q. Did you go to the city hall last fall to register?—A. Yes, sir; I did.

Q. Were you living at the same place that you are now living at?—
A. Yes, sir.

Q. Did you register?—A. No, sir; I did not.

Q. Why not?—A. Because I was working at the drug-store, and it was Saturday and I had to attend to the drug-store all that Saturday. I saw a man named Smith. I was in a hurry, and I then went there to the city hall with him; I staid there quite a while. I staid there until I couldn't stay any longer; so I told him I had to leave there, and he scratched my name off his books Mr. Smith did.

184 Q. So you had been registered before?—A. Yes, sir; at the city hall.

Q. How long ago?—A. The time that Mr. Hayes took his seat.

Q. Where were you living then?—A. Out on the Saint Charles rock road, right back in the rear of Dr. Tyler's place—what is that avenue called?—that is, out near California avenue.

Q. How far is that from where you now live?—A. I live now severa blocks away from there, on North Lindell park.

Q. In the same precinct?—A. No, sir.

Q. Now, did Mr. Smith get a transfer for you when he was with you?—A. I don't know, sir; because he marked my name off of his book that day.

185 Q. Did you go to the polls on election day?—A. I did, sir.

Q. Whereabouts?—A. On Elliot and Wright, at a house nea by there.

Q. Did you register on that day?—A. No, sir; I did not.

Q. Did you vote?—A. Yes, sir; I did.

Q. What ticket did you vote?—A. Straight Republican ticket.

Q. Did the judges take the ticket?—A. Yes, sir; they did.

Q. It was put in a box was it?—A. I don't know, sir; I handed it inside.

Q. Did they find your name on the book there?—A. I don't know, sir, whether they did or not.

186 Q. What did they say to you when you offered your vote?—

I went there to register, and they told me that I couldn't register there, that nobody was there to register me. There was a United States marshal who told me that, and he told me to come back. Several Republicans was there, and they had to go back, they couldn't get registered. I went back. I told them I was coming back about half past two, and I was there, and I waited until half past three or four o'clock, and then he told me, "There is nobody here yet." So he told me to put my name on the ticket, and put it in there, and he would see about it.

187 Mr. DONOVAN. The gentleman having previously registered from some place out on the Saint Charles rock road, and having failed to take the trouble to obtain a transfer, and not having registered at the polls, the counsel for contestee deems it unnecessary to ask any further question.

Cross-examination waived.

Signature waived.

188 ALFRED WYATT, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name, Mr. Wyatt?—Answer. Alfred Wyatt.

Q. Where do you live?—A. I live on Vineyard street, 2817.

Q. You live in the same place where Jacob Hyde lives?—A. No, sir; I do not.

Q. How far is it from you?—A. About forty feet, or—well, forty or fifty feet.

Q. Right on the same side of the street?—A. Right on the same side of the same street.

Q. How long have you lived there, Mr. Wyatt?—A. About five years.

Q. How old are you, Mr. Wyatt?—A. If I live to see July next, I will be 42 years of age.

189 Q. You are a colored man?—A. Yes, sir.

Q. Did you go to the city hall to register before the last election?—A. Yes, sir.

Q. Did you register there, or get a transfer?—A. I got a transfer.

Q. Had you ever been registered before that?—A. Yes, sir.

Q. Now, what did you do when you went to the city hall?—A. They asked me if I had ever registered before, and I told them I had; at the time of General Grant's election I registered. And they asked me if I had registered when Mr. Hayes was running; I told them I had not. Well, "All right," and they registered my name.

Q. What did they do when they registered your name; did they 190 make you hold up your hand and swear to it?—A. Yes, sir; I couldn't write, so I touched the pen.

Q. And you were then living at 2817 Vineyard street?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Whereabouts were those polls?—A. The polls were on Clay avenue, near by Franklin and Cass avenue.

Q. Now, did you vote on that day?—A. Yes, sir.

Q. You voted?—A. Yes, sir.

Q. What ticket did you vote?—A. The straight Republican ticket.

Q. Did they receive your vote?—A. They did.

Q. And put it in the box?—A. They took it, but where they put it I can't tell.

191 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Hyde said that he lived at 2817 Vineyard street; is that correct or not?—A. Yes, sir; that is correct.

Q. You don't live in the same house with him?—A. No, sir.

Q. You live away from that place?—A. It is all in the same yard, but a different place, there is three buildings in the yard; I live in the rear building, back.

By Mr. POLLARD:

Q. You were living then in the alley?—A. Yes, sir.

By Mr. DONOVAN:

Q. So you were living in the alley; and Hyde lives in the same yard with you?—A. Yes, sir.

192 Q. So when you registered at the polls did you give your residence as No. 2817 Vineyard street?—A. Yes, sir.

Q. When you went to the polling place you found your name was not on the list?—A. They found my name there, sir; at least, they said so, sir; they taken my ticket.

Q. They found your name and took your ticket?—A. Yes, sir; they found my name and took my ticket.

Q. And what they did with it you don't know?—A. I don't know what they done with it; after that I was not there. I was driving team at that time and I couldn't wait.

Q. And you went away?—A. Yes, sir; what they done with it I can't tell, but I know they didn't put it in the box while I was looking.
193 Q. But what they did after you left you don't know?—A. No, sir; I don't know, I hurried away to get to my work, I was driving team.

Signature waived.

194 BEN. BROWN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Ben. Brown.

Q. Where do you live?—A. 1131 Compton avenue, in the rear.

Q. How long have you lived there?—A. A little over three years.

Q. How long have you lived in Saint Louis?—A. All my life.

Q. You are a colored man?—A. Yes, sir.

Q. How old are you?—A. About thirty-five.

Q. Did you ever register in the city?—A. Yes, sir.

Q. How long ago?—A. Well, when President Hayes was running.

Q. Did you live in the same place where you are at now?—

195 A. No, sir; when I registered then I was living on Biddle—
2304 Biddle, in the alley.

Q. Did you go to the city hall last fall to register?—A. I told yo—— once, I went there; yes, sir; to register.

Q. Did they give you a transfer ticket or not, or did you go there — to register?—A. I went there to register.

Q. Did you go to register that time, or to transfer?—A. I wrote my name in the book; I suppose so.

Q. Did he swear you?—A. Yes, sir.

Q. Who wrote your name on the book?—A. A man did.

Q. Did he make you touch the pen when you were there?—A. Ye—s, sir.

Q. You were then living at 1131 Compton avenue?—A. Ye—s, sir.

196 Q. Did you go to the polls to vote?—A. Yes, sir; on East — avenue, I think it is, third door west of Webster; about 20 fe— away.

Q. On the north side of Easton avenue?—A. Yes, sir.

Q. Now, did you vote on that day?—A. Yes, sir; I voted. I vot— under protest.

Q. What ticket did you vote?—A. Straight Republican ticket.

Q. Did they find your name on the poll books there on that day?—
A. It was there, but was scratched off; that is what they said to n

Q. What became of your ticket; do you know whether it was put the box or not?—A. It was not, sir.

197 Q. Who took it?—A. One of the men that was right there to it. One said to the other, "Don't put it in the box, put it in t envelope; put it by itself."

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You had registered previously to this last election?—A. Oh, y sir.

Q. You didn't obtain any transfer when you moved?—A. No, sir.

Q. Don't you know that 1131 Compton avenue is in the second district, and not in the third Congressional district at all?—A. I told them here I lived at when I registered first; the first time I told them—then I registered I told them.

Q. When you went to the city hall the last time you told them 18 that you lived there at 1131 Compton avenue?—A. Yes, sir.

Q. That is what you said to them, and said nothing more?—
That is what I told them; yes, sir.

Q. Just gave the 1131 Compton avenue as your residence?—A. I told them that is where I live now.

Q. Isn't it a fact that the line between the second and the third Congressional districts cuts across the block; does it or does it not?—A. I don't understand; I don't know anything at all about it.

Q. You don't know where the line between the second and third Congressional districts is?—A. No, sir.

Q. Did the judges tell you that you were in the second Congressional district and could not vote in the third?—A. He told me that I had to go to the city hall; that is what he told me.

Q. To obtain a transfer?—A. I suppose so; I told them I had been here, and they told me to go back again.

Q. Did you go back again?—A. Yes, sir.

Q. What did they say to you when you came back the second time?—
The clerk that was there, he found my name in one place, and in another place it was scratched; he found it scratched three times.

Q. So your name was on the list four times?—A. On the list 10 that they had at the city hall it was scratched out.

Q. That is, where removals were not made?—A. I don't know what it was.

Q. You say your name was on the list at the city hall four times, and scratched?—A. Yes, sir.

Q. Were they removals or not?—A. I don't understand; I didn't see that often; when I first registered I was at 23d and Biddle, 2304, the rear; that was the first registering I done; that was at the residential election; then, when I got registered again I had moved from 2304 to 1131 Compton avenue.

Q. So the officers at the city hall dealt very liberally with you in placing your name on their list four times?—A. When I come to the polls they began to look for it; and Mr. Ravold, he was there looking for it, and he didn't see it; he said the supervisor 15 scratched it off.

Q. Did you say your name was there four times on their list?—A. It was there, but was scratched off; it was on there, but scratched.

Q. Well, you know that if your name is on the list, and only once, 20 you could not register, but simply transfer?—A. I don't know anything about it.

Q. Well, that transfer you didn't obtain?—A. No, sir; I didn't.

Q. And you cannot now state whether 1131 Compton avenue is in the second or third district?—A. No, sir.

Q. And do not know whether the poll on Easton avenue, west of Webster, was the proper poll at which you had to cast your 25 vote?—A. Only what they told me, that is all I know.

Signature waived.

At this point a recess was taken until fifteen minutes after 2 o'clock 30 afternoon; at which time, all parties in interest being duly assembled and announcing themselves ready to proceed, the examination of

witnesses was resumed, and the following testimony was thereupon elicited :

203 AUGUSTUS SOLARI, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Augustus Solari.

Q. Where do you live?—A. I live at present on Spring avenue, between Jasmine and Sullivan avenue.

Q. Is your house numbered?—A. No, sir; there is no number there yet. I live beside 2919 Grand avenue; that is, in the rear of Grand avenue.

Q. How long have you lived there?—A. I have lived there in this place since the 15th of October.

204 Q. How long have you lived in the city, Mr. Solari?—A. Twenty-seven years.

Q. How old are you?—A. Forty-seven years of age.

Q. Did you ever register at the city hall, Mr. Solari?—A. The first time I registered it was at the polls of the election, at Lindell Park, some three years ago; something like that; then I went to the city hall and seen that my name was registered correctly, and I found it there.

Q. Some three years ago?—A. Yes, sir.

Q. Is that in the same block where you live now?—A. I registered in the same boundary; yes, sir.

Q. In the same block?—A. Yes, sir; there is no division of streets there yet.

205 Q. Did you get a transfer this last fall?—A. I did not, sir.

Q. Did you go to the polls on election day to vote last November?—A. I did, sir.

Q. Did you register at the polls?—A. I did not. I could not register, because there was no register there.

Q. Were you at the poll more than once during that day?—A. I was there at least eight or ten times.

Q. Did you see any registrar there at any time?—A. Not at any time.

Q. Did you vote on that day?—A. I asked to vote of the judges, and they looked for my name in the book; they didn't find it; it was scratched off. Then I asked to register. They told me there was no register, but they expected one, and I kept going there until 2 or 3 o'clock in the afternoon; then I took a ballot, put my name and residence on it, and gave it to the supervisor.

Q. What ballot was that?—A. Straight Republican ballot, sir.

Q. What polls were those; what polls were they; where were they at?—A. On the corner, I believe, of Saint Louis avenue and Elliot or Clay avenue; I am not positive.

Q. When you registered, as you say, about three years ago, was the place where you were then living in this same voting precinct?—A. Yes, sir; I used to live there on the corner of Saint Louis avenue and Grand avenue.

Cross-examination by Mr. DONOVAN, counsel for contestee:

207 Q. The place that you were living at when you registered was not the same place that you were living at on election day?—A. No, sir.

Q. Had you gone to the city hall to obtain a transfer?—A. I did go

here about the 18th of the month. I presume it was the 18th or 19th October, and the city hall was so very crowded I couldn't get into

Q. So you didn't take time and wait to obtain a transfer?—A. I did it. I thought I was entitled to register at the polling place.

Q. So, when you went to the polls, the judges told you that under the law they had no power to make a transfer on election day, that it was your duty to do that at the city hall prior to the election, after you had removed?—A. That is about it, sir.

Signature waived.

CHAS. M. WILSON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Chas. M. Wilson.

Q. Where do you live?—A. 1637 Benton street.

Q. How long have you lived there?—A. Since last April.

Q. How long have you lived in Saint Louis, Mr. Wilson?—A. Ten years.

Q. How old are you?—A. Thirty-two.

Q. You were born in the United States?—A. No, sir; I was born in England.

Q. How old were you when you came to the United States?—A. Three years old.

Q. And have lived here ever since?—A. Yes, sir.

Q. Lived in this State how long?—A. Ten years.

Q. Did you go to the city hall before the last election to register?—A. Not until the day of election. Well, I went there sometimes, but there was such a crowd there I went away and didn't try. On the day of election I did. I tried to get registered, but was refused.

Q. Had you ever registered in the city?—A. Yes, sir.

Q. Where was you living when you registered?—A. I was living at 317 North Twenty-first street.

Q. That is not in the same precinct where you lived on last election day?—A. No, sir.

Q. Did you get a transfer?—A. No, sir.

Q. You did not?—A. That is what I went to the city hall for, to get a transfer.

Q. But there was such a crowd that you couldn't do it?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Did you offer to register on election day?—A. Yes, sir.

Q. Did you register there?—A. No, sir.

Q. Why not?—A. They refused me.

Q. Why?—A. They claimed they couldn't do it, or had no right; that is all I know about it. They simply told me that they couldn't register me.

Q. Did you offer to vote?—A. Yes, sir.

Q. Did you vote?—A. Yes, sir.

Q. What ticket did you vote?—A. Republican ticket with Mr. Sessinghaus's name.

Q. Did you give your vote to the judges or supervisor?—A. Supervisor.

Q. He took it?—A. Yes, sir.

Q. You put your name on the back of it?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You had registered before from a different place from that at which you lived on election day, and had not made any transfer at the city hall?—A. Yes, sir.

Q. Why hadn't you made a transfer?—A. It was neglect on my part.

Signature waived.

213 JACKSON JONES, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Jackson Jones.

Q. Where do you live?—A. Live in the rear of 1020, next to Seventy-third and Carr, between Carr and O'Fallon, and between Sixth and Seventh ~~and~~.

Q. Is it between Carr and O'Fallon, or between Biddle and O'Fallon?

(Mr. Donovan, counsel for contestee, objects here to a gentleman standing outside in the next room stating to this witness where he does reside. He says he resides between Carr and some other street, and now it is desired that he state that he resides between Carr and a different street.)

By Mr. POLLARD:

Q. Do you reside between Carr and Biddle or between Carr and O'Fallon, which?—A. Between Carr and O'Fallon; Seventh ~~and~~ runs that way, (indicating) and Sixth runs this way (indicating), and Carr runs down there (indicating).

Q. You live, then, in the rear of 1020 North Sixth?—A. Yes, sir; east.

Q. Is that south or north?—A. It is south of the railroad. That's right.

Q. Is it down towards Carondalet or is it in the upper part of the town?—A. No, sir; upper part of the town.

Q. Then it is North Sixth street?—A. Yes, sir; I think it is; I ain't been long enough there to know the streets here.

Q. When did you come here?—A. In the early spring; right in the house.

Q. Do you know what month it was in?—A. No, sir; it w~~as~~ about the first warm month, I reckon in March.

Q. Or April. How long have you been here in Saint Louis?—A. I aint been living in Saint Louis that long. I lived up here in Lexington, Missouri, and I came from there right down here, and been here ever since.

Q. And you have been in Saint Louis ever since?—A. Yes, sir.

Q. You are a colored man?—A. Yes, sir.

Q. How old are you?—A. Sixty-eight.

Q. Did you go to the city hall to register last fall before the election day?—A. No, sir; I didn't.

Q. You did not?—A. No, sir.

Q. Did you go to the polls on election day?—A. I did.

216 Q. Where are those polls?—A. The polls is up near Biddle ~~and~~ Carr—somewheres; I don't know exactly the streets, but that is where I was; not far from where I lived.

Q. How far—one or two or three blocks?—A. Yes, sir; it was ~~up~~

that far, I reckon ; I aint certain now, mind you ; but it's up that far, anyhow.

Q. Only a block or two from where you live ?

(Mr. Donovan, counsel for contestee, objects to leading the witness ; let the gentleman state the facts.)

A. You see I am not very well acquainted ; I don't want to tell you something that aint true. I don't want to tell you a thing that is not absolutely the truth.

COUNSEL. That's right ; don't let me mislead you.

217 Q. You went to the polls to vote ?—A. Yes, sir.

Q. Did they find your name on the poll book inside ?—A. No, sir.

Q. Did you offer to register there at the polls ?—A. I did.

Q. Did you register ?—A. No, sir.

Q. Did you go inside of the polling place ; inside where those men were ?—A. I went in there.

Q. You did go in ?—A. Yes, sir ; they told me they didn't know if I had been here long enough.

Q. And they wouldn't register you ?—A. No, sir.

Q. And you didn't vote ?—A. No, sir ; I didn't.

Q. Are you a Republican ?—A. I am.

218 Q. You wanted to vote the Republican ticket ?—A. Yes, sir ; I did.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. You don't know whether you went to the right poll or not ?—A. I wanted to vote a Republican ticket ; that was my object for going there.

Q. You don't know whether you called at the right poll or not ?—A. No, sir ; I don't. That is, not particularly about that.

Q. If you were entitled to vote at all it may have been at some other poll ?—A. I don't know ; I meant to vote a Republican ticket.

Q. If you were entitled to vote at all, it may have been at some other poll ?—A. Well, I never did at any other poll as I know of.

219 I never went to no other but that one.

Q. Had you ever voted previous to that election ?—A. No, sir.

Q. Had you ever voted previously at any other poll in the city of Saint Louis ?—A. No, sir ; I have not ; that is what I am going to tell you about. I am not occupied in this business at all.

Q. How long have you been in the city of Saint Louis ?—A. I came here early in the spring.

Q. You were, then, not here a year previous to the election ?—A. No, sir.

Q. Did you offer to vote at the poll or to register ; which was it ?—

A. I went to vote there and to register first.

220 Q. And they told you that you were not here a sufficient length of time ; that is, living at your present residence to justify them in registering you ?—A. Yes, sir ; that is what they told me.

Q. You never have been registered at the city hall ?—A. No, sir.

Q. And you don't know how early in the spring you came here to the city of Saint Louis ?—A. I come directly after March ; that is when I come here.

Q. After March ; but you don't know how long after March ?—A. It was directly after March. I just left there where I was living and came right on to Saint Louis, and aint been away since.

221 Q. That was not a year before the election ?—A. No, sir.

By Mr. POLLARD:

Q. When you went there this time did you tell the judges or any one inside of the poll where you resided; where you lived?—A. I did.

Q. Did they say anything about that being the proper place for you to come to vote; did they say that that was the right place; did they tell you that?

(Mr. Donovan, counsel for contestee, objects, for the reason that the gentleman has already stated his place of residence; has stated how long he was in this city, and we have the testimony of the recorder of voters in regard to his location and his precinct.)

A. No; they didn't tell me anything about that.

222 By Mr. POLLARD:

Q. They didn't tell you it was the wrong place to vote?—A. No, sir; never.

Signature waived.

223 S. W. LOTT, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. S. W. Lott.

Q. Where do you live?—A. North Tenth street, 1332.

Q. How long have you lived there, Mr. Lott?—A. One year—near a year.

Q. How long have you lived in the city?—A. Eighteen months.

Q. Lived in the city eighteen months, have you?—A. Yes, sir.

Q. Where were you born, Mr. Lott?—A. Zanesville, Ohio.

Q. Never lived out of the United States?—A. No, sir. Well, I have been out of it, but I have never lived out of it.

Q. The United States has always been your home?—A. Yes, sir.

Q. How old are you?—A. Thirty-four.

Q. Did you register at the city hall just before election?—A. Yes, sir.

224 Q. About how long before the election?—A. A couple of weeks.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. What poll?—A. Well, I forget the precinct now: it is on O'Fallon, between Tenth and Ninth—Ninth or Tenth or Eighth or Ninth. I think it is Ninth and Tenth; between those two streets.

Q. Did you vote on election day?—A. Yes, sir.

Q. What ticket did you vote?—A. Republican.

Q. Was that vote received by the judges and put in the ballot-box?—A. Yes, sir.

Q. Do you know whether it was counted or not?—A. No, sir.

Cross-examination by Mr. DONOVAN:

Q. Your vote was received and put in the ballot-box?—A. Yes, sir.

Q. In your presence?—A. Yes, sir. Oh, excuse me; I oughtn't to say that I don't remember of its going into the box. I can't testify that I saw it dropped into the box. It was received, and my name was registered, and this all I know.

By Mr. POLLARD:

Q. Your name was on the poll book up there?—A. Yes, sir.

By Mr. DONOVAN:

Q. It was taken in the usual form, and there was no objection to it?
A. No, sir; no objection.

Signature waived.

3 PETER GRASSMUCK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name?—Answer. Peter Grassmuck.
Q. Where do you live, Mr. Grassmuck?—A. I live 1825 North Tenth street.

Q. How long have you lived there?—A. Seven months.

Q. How long have you lived in Saint Louis?—A. Well, I have lived here 27 years.

Q. How old are you?—A. Well, I am now 45.

Q. Have you ever registered at the city hall?—A. Yes, sir.

Q. How long ago?—A. It was about two weeks before the election at I was there; I got no transfer; I came in there; I was there four five times but couldn't get it, and finally I got another man to attend to it, and I went to the polls and they sent me back three times.

7 Q. Your name was not on the list at the polls?—A. No, sir.

Q. You say you went to the city hall to get a transfer three times?—A. I went to the city hall three times to get a transfer.

Q. Did you at last get it?—A. No, sir.

Q. Never did get a transfer?—A. No, sir.

Q. Did you get some man to attend to it for you at the city hall?—A. No, sir.

Q. Whether he did it or not you don't know?—A. He did. He says it's all right; I can go to the poll and vote.

Q. Then you went to the poll on election day?—A. Yes, sir; I was here three times.

Q. What polls?—A. Labaume, next to Tenth—Tenth and Labaume, the corner.

Q. Did you vote?—A. No; I didn't vote.

Q. Did you offer to vote?—A. I offered to vote and he wouldn't let me vote.

Q. What ticket did you offer to vote?—A. Republican.

Q. Where were you living when you had registered at the city hall?—A. Well, I was living on Second and O'Fallon street.

Q. That is not near 1825 North Tenth?—A. I work on O'Fallon and Eighth street, at the O'Fallon bakery.

Q. And you live there?—A. No; I live at 1825 North Tenth street,

Q. Now, where did you live when you registered at the city hall three or four years ago?—A. I lived on Tenth street, between Carr and Idle.

Q. That is several blocks away from 1825 North Tenth?—A. Yes, sir.

Q. And you didn't get any transfer, inasmuch as this man told you would get it for you?—A. Yes, sir; he went to the city hall with the names of four other men; the other four they were all right, and I was wrong; I wasn't on the list.

Cross-examination by Mr. DONOVAN:

Q. You had been previously registered from a different street and number than you lived at on the day of election?—A. I live at the same place.

Q. If you had lived at the same place, why did you want to g transfer?—A. I understood that at the election I would be require have a new transfer; I had moved; yes.

Q. Then you did need a transfer?—A. Yes, sir.

Q. And you didn't get it?—A. No, sir; didn't get it.

Q. And when you went to the polls the judges told you that had no power under the law to transfer you on election day?—A. sir; they said my name wasn't in the book.

Q. Then, when you stated that you registered two weeks before election, you were mistaken?—A. I said yes.

230 Q. Then you were mistaken when you said that, because had been registered years ago and you were not registered weeks prior to the election?—A. No.

Q. When you stated that you had been registered—that you registered two weeks before the election—you were mistaken?—got no chance to look at the city hall; I was down two or three times it was full, and I didn't get no chance to get inside; I was down t but couldn't get in.

Q. So you did not notify the officers there that you had moved to the place that you had registered from previously?—A. I told it gentleman and he attended to it for me.

Q. But you didn't attend to it yourself?—A. No, sir.

Q. All you did at the polls was to offer to vote; was that a fact?

231 Yes, sir; I went to vote; I have been a citizen of the U States for so long, and I took three citizens with me as witne I wanted to vote.

Q. That is all that you wanted to do, was it?—A. Yes; all.

Q. And that is all that you did, was to offer your ballot?—A. sir; that is all.

Signature waived.

232 PETER ULMER produced, sworn, and examined on the pa the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your first name, Mr. Ulmer?—Answer. Peter Ul

Q. Where do you live, Mr. Ulmer?—A. I live on Carr and street.

Q. On the corner?—A. Yes, sir; right on the corner; north corner.

Q. How long have you lived there?—A. I moved there two we before the election. I lived on 14th street, between Wash and C on the east side of the street, on the same street.

Q. And between the same streets?—A. On the same street, betw Wash and Carr; but now, I moved down to the corner, to 14th & Carr, to the northwest corner, two weeks before the election.

233 Q. How long had you lived at this other place?—A. Five yea

Q. How old are you?—A. I am 47, sir.

Q. How long have you lived in the United States?—A. Ev since I am 14 years old, sir.

Q. Did you ever register at the city hall?—A. I did, sir.

Q. About how long ago?—A. I registered twice already.

Q. Did you go to the city hall before the last election to get a trafer?—A. So soon as I moved I went and told him to change my mber to 1401 Carr street.

Q. From where?—A. From where I was before, and he told me was all right.

Q. Who was this man?—A. Kind of a short, chunky man.

Q. Where was it?—A. In the office.

Q. Behind the bar?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. I did.

234 Q. Did you vote?—A. Well, I went there to vote. I have voted for the last 20 years, and I never had no trouble before. I asked for my name, and they told me it was not there in the paper. I saw Mr. Moll from Franklin avenue. He says "He is all right"; but they didn't find my name, so they wouldn't take my ticket. So Mr. Moll took my ticket. I don't know where he put it, or what he done with it, I can't say.

Q. What ticket did you vote?—A. Republican ticket.

Q. Now, was this place where you registered from in the same voting precinct as 1401 Carr street?

(Mr. Donovan, counsel for contestee, objects to the question unless the gentleman states that he is familiar with the boundaries of the voting precincts in that ward.)

A. I just live about twenty yards from the place where the poll was.

235 By Mr. POLLARD:

Q. How many streets do you have to cross from where you used to live to your present house?—A. Only past Carr street.

Q. Before you moved, did you live north of Wash street?—A. I lived north of Carr street—no; south of Carr street, on 14th, and Carr street is right here (witness indicating).

Q. Wash is south of Carr?—A. Yes, sir; I live between Wash and Carr, on 14th street. First, I lived past Carr street, on the corner 14th and Carr, right across from the church. The voting place was right across from the alley, behind the church; not quite a half a block.

Q. What ticket did you offer there that day?—A. The straight Republican ticket.

Cross-examination by Mr. DONOVAN:

Q. Are you sure that you found your proper polling-place?—A. Yes; I am sure I voted at that place before this election three times—at the same place.

236 Q. But since you had voted at that place you had moved your residence?—A. Yes, sir.

Q. And had obtained no transfer at the city hall?—A. I went over there to have my number changed; but a gentleman says, "It's all right."

Q. You don't know whether it was changed or not?—A. I don't know; I put my name in. He go through the books and put it down in the book. I saw that myself.

Q. What is your business?—A. I am peddling, marketing, huckstering, sir.

Q. Are you a married man?—A. Yes, sir.

Q. Then you have changed your residence two or three times?—A. Yes, sir; whenever I don't like it. I move. As long as a man pays rent, he can move whenever he feels like it.

Q. And you have exercised that proud privilege?—A. Yes, sir; you bet.

237 Q. Well, you passed your ballot in?—A. Well, Mr. Moll took my ticket. I don't know what he done with it.

Q. What did he say to you?—A. He says, "I will take Mr. Ulmer's ticket." I don't know what he done with it. I know that the

judges there didn't put it in the ballot-box; they didn't put it in the box.

Q. They told you that you had moved, and hadn't obtained a transfer?—A. They couldn't find my name in the books; that is what they said. There's lots of men knowed me there.

Q. Yes; but you had moved from one precinct into another?—A. I had not, sir.

Q. Had you not moved your residence?—A. I voted at the same precinct when I lived up between Wash and Carr.

Q. But you had moved your residence?—A. Yes; I did.

Signature waived.

238 EDWARD WILLIAMS produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Edward Williams.

Q. Where do you live?—A. I am living now at 2016 North Ninth street present.

Q. How long have you lived there?—A. I have lived there about well, for two weeks.

Q. Where did you live on election day?—A. I lived on Sullivan avenue. It used to be Lucas street, and they changed it into Sullivan avenue. No. 1312.

Q. How long had you been there before the election?—A. I have been there five years.

Q. Did you go to the city hall to register last fall before the election?—A. I was already registered before that.

Q. From that place?—A. Yes, sir.

Q. Where you had been living, at 1312 Sullivan avenue?—A. Yes, sir.

239 Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where was that poll?—A. Corner of Sixteenth and Sullivan avenue.

Q. Did you vote on that day?—A. Yes, sir.

Q. Did you vote?—A. The Republican ticket, straight and by the judges?—A. Yes, sir; and we

Q. You changed your place of residence since you registered four or five years ago?—A. Yes, sir.

Q. Did you notify the authorities at the city hall of the fact that you had changed your place of residence?—A. I didn't change it at that time; I didn't change it until after the election.

Q. You have stated that you had changed your place of residence since you registered, prior to the election day?—A. I have, since I registered, of course.

Q. Now, where did you move?—A. I moved to the barber shop that was keeping that time, that was on Broadway.

Q. How far was that from the place from which you registered?—A. Registered at the city hall from where I lived, that is about a half a mile.

Q. Did you notify the authorities at the city hall of that change?—No, sir.

Q. You never notified them of any change of residence that you made since you registered some years ago?—A. No, sir; I never notified them.

Q. And never obtained any transfer?—A. No, sir.

Q. Although you had removed?—A. I had moved since the election.

Q. And moved since you registered before?—A. Yes, sir. I moved once the registration, because I was registered five or six years ago, and I moved since.

Q. And you reported to the city hall none of your removals?—A. At that time I did.

Q. You never reported any changes of residence to the officers in the city hall?—A. I had not changed; I had no right to change.

Q. But you stated that you have moved since you registered?—A. But I have no right to go there. But I moved since the election.

Q. Did you move also since your registration; did you, or did you not?—A. I don't understand what you mean.

Q. You moved since you registered at the city hall, did you or did you not?—A. I registered about five years ago. I moved here since the election.

Q. And never notified the city authorities of the fact that you had moved?—A. No, sir; I never went there.

Q. And got no transfer?—A. No, sir.

~~G~~nature waived.

A. C. WILLIAMSON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. A. C. Williamson.

Q. Where do you live?—A. I live at 926 Benton street.

Q. How long have you lived there?—A. I have lived twelve or thirteen years here, then I moved up on the corner of Monroe and Twelfth; ed there one year, and then moved back again to Benton.

Q. How long have you lived there this last time?—A. I have lived here about thirteen months, sir; fourteen months before the election.

Q. How long have you lived in Saint Louis?—A. Forty-two years.

Q. How old are you?—A. I am sixty-three years old.

Q. You were born in the United States?—A. I was born in Pennsylvania.

Q. Did you go to the city hall to register before the last election?—
A. I did not.

Q. You have registered?—A. I registered when I moved away from Benton, out on the corner of Twelfth and Monroe; I was registered then.

Q. When you lived on Twelfth and Monroe you registered?—A. Yes, sir; and I voted then on the corner of Twelfth and Monroe at the last city election.

Q. Did you get a transfer before this last election?—A. I did not, sir.

Q. Did you go to the city hall?—A. No, sir.

245 Q. Did you go to the polls on election day?—A. I did.

Q. Where were those polls?—A. Down on North Market there near Broadway.

Q. Did you find your name on the poll-book there at the polls?—
Dr. Heacock and another gentleman looked and they said my name was not on the poll-books.

Q. Did you vote that day?—A. No, sir.

Q. Did you offer to vote?—A. No, sir.

Q. Did you go there for the purpose of voting?—A. Yes, sir.

Q. What ticket?—A. I voted for my friends, it was the Democratic ticket. I had put Mr. Sessinghaus's name on it; I just crossed 246 off the other man's name and put on his name.

Q. But your name not being on the poll-book you didn't vote?
—A. No, sir; I did not offer to vote.

Q. Now, then, Twelfth and Monroe street, where you had registered is that in the same precinct with 926 Benton?—A. It is in the same precinct.

(Mr. Donovan, counsel for contestee, objects to the question for the reason that the gentleman has not familiarized himself with the boundaries of that precinct.)

A. I was not familiar with the boundaries. I thought I could vote where I had always been voting.

247 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. That is, you thought you could always vote at the same place or the same polling precinct, whether you lived at 926 Benton street or whether you lived at Twelfth and Monroe?—A. Yes, sir.

Q. How far are these places apart?—A. A square and a half.

Q. Across what streets?—A. You go from Benton, across the park—Jackson park—then I am right on the corner of the street; about two squares, I guess.

Q. Did you not know when you moved, that you were in a different precinct from that in which you had been in?—A. I did not, sir; because they made so many changes; I did not know.

248 Q. Before that you registered from Twelfth and Monroe?—A. Before that I registered from Twelfth and Monroe; yes, sir.

Q. And when you moved back from 926 Benton, you did not notify the recorder of voters of the fact?—A. I did not, sir.

Q. Why didn't you take the trouble to do that?—A. Well, because I thought that I was just as good now as I had been. Everybody knows me there.

Q. Didn't you know it to be your duty and the duty of every citizen who had been registered and who had been removed, to notify the recorder of voters of his removal, so that he might be placed in his 249 proper polling district?—A. No, sir; I did not.

- Q. But you didn't do so?—A. I did not. I asked Dr. Heacock he would take my vote under protest. Says he, "I will not." I says, "That is all right." He didn't know what ticket I had.
Q. He was one of the judges, and he was a friend of yours?—A. He is a friend of mine.
Q. And he told you that under the law such votes could not be received whether you were Republican or Democratic?—A. Yes, sir.
Q. All these matters were spoken about at the polls?—A. Dr. Heacock told me that I was not registered there and I couldn't vote. I asked him why. Says I to the doctor, "I voted the last time on Twelfth and North Market. Why can't I come down and vote here? I am living right within two blocks of where I used to live." Well, he said I couldn't do it; my name isn't on the books. Says I, "that's all right." So I didn't vote.
Q. And you told him that you had not taken any transfer?—A. I did,

signature waived.

FRED. HOHMAN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

- Question. What is your name?—Answer. Fred. Hohman.
Q. Where do you live, Mr. Hohman?—A. I live between Spring and North Fifteenth.
Q. What street?—A. Wright street; that is, North Fifteenth between Spring and Wright.
Q. Do you live on North Fifteenth?—A. Yes, sir.
Q. Between Spring and Wright?—A. Yes, sir.
Q. How long have you lived there?—A. I have lived twelve years that property; for sixteen years in that block.
Q. How old are you?—A. I am forty-nine.
Q. How long have you lived in the United States?—A. Well, I live in the United States from 1864 in Saint Louis, and from 1864 in the United States.
Q. Have you ever been naturalized—got out your papers?—A. Yes,
Q. Citizen's papers I mean?—A. I got my citizen's papers when I got discharge.
Q. Then you served in the army?—A. Yes, sir.
Q. Have you ever registered since you lived on North Fifteenth between Spring and Wright at the city hall?—A. Not at the city hall; I was registered at the court-house.
Q. Have you ever moved since you registered at the court-house?—A. No, sir.
Q. Did you go to the polls on last election day to vote?—A. Yes,
Q. Where were those polls?—A. On Fourteenth and Spring.
Q. Corner of Fourteenth and Spring?—A. Corner of Fourteenth and Spring; second house; in the barber-shop.
Q. Did you vote on election day; last election day?—A. They wouldn't let me vote.
Q. Why not?—A. They says my number was wrong; I could not give it.
Q. And you hadn't moved for—
WITNESS (interrupting):

254 A. An hour and a half afterwards they let me vote, and then put it on a nail. I voted the straight Republican ticket, and then put it on a nail.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Who told you you couldn't vote, Mr. Hohman?—A. That was Israel.

Q. Were they inside?—A. One man was inside, and the deputy marshal on the outside.

Q. How often have you moved in the city?—A. I never was moved.

Q. How often have you registered?—A. I was registered twice, once in the court-house, and once on Eighteenth street.

Q. Where were you registered from when you were registered at the court-house?—A. I lived in the same block all the time.

255 Q. Had you moved from one place to another?—A. Well, the time that I got—the first time I was living by Mr. Schroeder, on Fourteenth street, in the same block; and the second time I was living in the same place.

Q. Then you had moved since you came here?—A. I was single at that time, and I was in the same block.

Q. It don't matter whether you were single or married before you had moved—

WITNESS (interrupting). Just got from one house to the other, over the alley.

256 Q. Now, after you moved, you did not notify the officers at the city hall of the fact that you had removed?—A. No, sir; I went there on Eighteenth street and was registered there.

Q. But at the time of the election you were living on North Fifteenth?—A. North Fifteenth.

Q. Between Spring and Wright?—A. Yes, sir, all the time.

Q. You hadn't notified the officers at the city hall of that fact?—A. No. I was not there.

Q. When you went to the polls, you found your name was not on the list?—A. It was not on the book.

Q. Now, you just offered to vote?—A. Yes, sir.

Q. That was all?—A. That was all.

257 Q. Now, the judges said that your name was not on the list?—A. No; my name was there, but not the number. That is what they told me.

Q. Your number was not right on the books?—A. That was the trouble; the number was not right on the books.

Q. What number was on the book?—A. 2708.

Q. And what was your number?—A. That is why I was up there, to register.

Q. What is your number?—A. 2808; That is the new number.

Q. So you told them where you lived, and they told you that there was nobody registered from the number that you gave?—A. No, sir.

258 Q. Did they think that you were living at the number that appeared on their books?—A. They puts me on the books. Of course, I was registered there at that number all the time.

Q. What was the number on the books?—A. The number was 2708.

Q. Were you living at 2708?—A. Yes, sir, all the time, and the number is wrong.

Q. What number did you tell the judges you were living at?—A. At this time 2808; 2708 it was before.

Q. So you told the judges that you were living at 2808?—A. No; they showed me that.

n't asking for what they told you ; I am asking you for what u told them.—A. I told them I lived here at 2708.

Q. And what was the number on the book ?—A. 2708.

Q. Now, they said to you that the number that you gave did spond with the number that appeared on the book according tatement. Now, it would appear that they did correspond, is or not ?—A. Number 2708 was not 2808. The last election that I put the old numbers down on a paper and take them up the street. Now the old numbers are put off, and new num- there.

s the number on the poll book 2708 or 2808 ?—A. 2708 was the mber as it stood in the book, but the new number is 2808.

Q. I want to know which number was on the poll-book, 2708 2728 ?—A. 2708, that was on the book.

, what is the correct number of your house ? Is it not 2728 ? 8 is the number on the old house ; 2808 is not the number.

, I didn't find your name on the registration list, from the num- you gave to the judges ?—A. My name stood on the book from

; you told them that you lived at 2808 ?—A. No, sir ; I didn't ; I didn't say that.

ll, what did they say to you ?—A. They said that my number , but they couldn't find it there.

Q. Well, you simply offered your ballot ?—A. They let me vote d put my ticket on a nail.

Q. And that is all that you did ?—A. That is all that I know. it is all that you did there, and all that you said ?—A. That is could see.

ure waived.

OE SMITH, produced, sworn, and examined on the part of the ntestant, deposeseth and saith :

Mr. POLLARD:

on. What is your name ?—Answer. Joe Smith.

here do you live ?—A. I live between Montgomery and Wash on North Eleventh. 2816 is the number on Eleventh street.

w long have you lived there ?—A. I have lived there a little months.

here did you live on election day ?—A. I lived at 2512 Broad-

w long had you been living there before the election ?—A. I living there a little over a year.

Q. How long have you lived in Saint Louis ?—A. I have been ing in Saint Louis going on six years.

Q. How old are you ?—A. I am 30 years old.

I were born in the United States ?—A. Yes, sir ; I was born in e.

says lived in this State ?—A. Yes, sir.

I are a colored man ?—A. Yes, sir.

I you go to the city hall to register just before the last elec . I registered at the city hall three years ago.

here were you living then ?—A. I was living on North Eleventh, Howard and Brooklyn.

I you go to the city hall just before the last election to Mis. 27—38

264 get a transfer?—A. No, sir; I couldn't get any transfer—yes, sir; I went there to the city hall to get a transfer.

Q. Why didn't you get it?—A. They said my name was not on the book.

Q. Did you offer to register at the city hall?—A. Yes, sir.

Q. Did they register you?—A. No, sir; they wouldn't let me.

Q. Why not?—A. I don't know, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where?—A. On the corner of Warren and Broadway.

Q. Did you offer to register at the polls?—Yes, sir.

Q. Did you register at the polls?—A. They wouldn't let me register.

265 Q. Why?—A. Well, the judges excepted to my registering.

Q. For what reason?—A. Because they couldn't find my register at the city hall.

Q. Did you offer to vote there?—A. Yes, sir.

Q. What ticket?—A. Republican ticket.

Q. Straight?—A. Yes, sir.

Q. The ticket was not received, was it?—A. I was sworn in by a gentleman, but they wouldn't receive my ticket. They took my ticket and wrote my name on the back of it, and put it in the box.

Cross-examination by Mr. DONOVAN, counsel for contestee:

266 Q. You say you had registered from some place on North Eleventh street?—A. North Eleventh, between Howard and Brooklyn.

Q. How far was that from 2512 Broadway, the place that you were living at on election day?—A. Well, it must have been about seven or eight blocks.

Q. It is in a different polling precinct?—A. Yes, sir.

Q. You are sure you registered before?—A. Yes, sir; three years ago it was.

Q. Now, when did you go to the city hall to get a transfer?—A. I went there the same day the election came off.

Q. There was a great crowd there?—A. Yes, sir.

267 Q. You couldn't get to the clerks?—A. Yes, sir; I got to the clerks, and they said my name was not on the books, and couldn't be found.

Q. How long did you talk to any of the clerks there?—A. Well, I expect I staid there about two hours.

Q. How long did you talk to any of the clerks there at the office?—A. I talked to one about an hour.

Q. How many men were there at the same time right around you, waiting to go in and talk to the clerk?—A. I couldn't tell you how many men was there.

Q. About five hundred men were there, clamoring to get the 268 ear of the clerk?—A. No, sir; there was no five hundred clamoring to get the ear of the clerk.

Q. And yet you retained the attention of one clerk for an hour?—A. I retained him, and talked to him.

Q. For an hour?—A. Yes, sir.

Q. Had they that time to devote to your case?—A. They didn't have that time, but still they was looking over the different kinds of books, to see if they could find my name.

Q. They were very attentive to you?—A. Yes, sir.

Q. Well, you didn't get a transfer?—A. No, sir.

Q. You must be mistaken about your name being on the books, aint you ?—A. They said it couldn't be found.

Q. They didn't find it just then, in the hurry ?—A. No, sir.

. And, therefore, you got no transfer ?—A. No, sir.

. Now, what did the judges say to you at the poll ?—A. The judges me at the poll, that I could not vote.

. Because you had no transfer ?—A. Because I had no transfer.

. Now, this is a different poll from which these other people have talking about. These are all different polls, and there was a form rule on the subject, that you could not be transferred by the judges on election day ?—A. No, sir.

Q. There could be no transfers by the judges on the election day ?—A. Yes, sir; that is what they said.

gnature waived.

RILEY JONES, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

uestion. What is your name, sir ?—Answer. Riley Jones.

. Where do you live, Jones ?—A. 1130 Collins street.

. How long have you lived there ?—A. Two years, sir.

. How long have you lived in Saint Louis ?—A. Well, over two 's; I have been working for that firm.

. Where were you born ?—A. I was born in Missouri.

. And always lived in this State ?—A. No, sir.

. What other State ?—A. I was seven years living in Illinois, and then I removed here, and have lived here ever since.

Q. You are a colored man ?—A. Yes, sir.

Q. How old are you ?—A. Twenty-two.

. Did you go to the city hall to register on election day ?—A. Yes,

. Had you ever registered there before ?—A. No, sir.

. Did you register ?—A. Yes, sir.

. While you were living at 1130 Collins street ?—A. Yes, sir; while is living there.

. Did you go to the polls on election day ?—A. Yes, sir.

. Where ?—A. Precinct 37.

. That is on the corner of Broadway and Biddle, I suppose ?—A.

That is it.

Q. Did you vote ?—A. Yes, sir; I made the attempt to.

Q. You made the attempt to; well, did you succeed ?—A. Yes, I gave it to the man at the polls.

. Did they put it in the box, or don't you know ?—A. I don't know.

. What ticket did you vote ?—A. Republican ticket.

. Did you have any difficulty in getting up to the polls or getting a vote in ?—A. Yes, sir; I did.

. What difficulty ?—A. I went to the polls three times before I could

; the first time I went they told me my name was not on the registration sheet and that I couldn't vote, and ordered me away; then I went back again, and they said I couldn't vote a second time; then I went and got Mr. Pothoff and his clerk, and they went and told them that I had been up there two years, and that I had registered and was entitled to vote. They said I couldn't vote. I saw McAdam there; he was down there when I registered, and he told u that I had registered; that my name was on the books. They

said it was not, so he told them to show him the books and he would see whether or not my name was there. Well, he stood awhile and then they handed it out, and my name was on. Mr. McAdam there saw me register down at the "registrar's" office; he happened to be there at the time.

Q. Well, to make a long story short, after that they took your ballot.—A. Yes, sir.

Q. What they did with it you don't know?—A. I handed it in to a man that was receiving the ballots and he took it, and I stood around for a minute or so to see if he would put it in, but he didn't put it in. There was a crowd there and I had to step aside, because the crowd was beginning to crowd.

Q. Did you have any trouble there at the polls that day except what you have related here?—A. No. There was a man talking very rough there about the damned negroes, and said none should vote; but what his name was I don't know; I didn't pay much attention to him.

Q. They didn't push you or abuse you?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You were not beaten or abused at that poll?—A. No, sir.

Q. Do you know why Mr. Pollard asked you that question?—A. No, I do not.

Q. Do you suppose it was a desire on his part to make a mountain out of a mole-hill, and to prove intimidation and disturbance where none existed in fact, to be in keeping with the balance of this record?—A. I don't understand the question, not very well. There was no disturbance there.

Q. Now, they found your name on the list?—A. Yes, sir.

Q. Then you passed in your vote?—A. They didn't find it on my first time when I went there. They wouldn't have found it at all if Mr. McAdam hadn't been there; he reached through the window and pointed out my name on the book.

Q. When they saw your name on the book they took your ballot!—

A. Yes, sir.

Q. That is all that you know about it?—A. That is all that I know about it.

Q. You passed in your ballot and went away?—A. Yes, sir.

Q. Just as other voters did?—A. Yes, sir, just the same.

By Mr. POLLARD:

Q. There is no other Riley Jones living at 1130 Collins street?—A. No, sir.

Signature waived.

279 WOODFORD GARDINER, produced, sworn, and examined on the part of the contestant, deposeth, and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Woodford Gardiner.

Q. Where do you live?—A. Live on Broadway, 2508 Broadway; 25 or 35—2508 Broadway.

Q. How long have you lived there?—A. Been living there a little over three years, now.

Q. How long have you lived in Saint Louis?—A. Been about fifteen years.

- Q. How old are you?—A. Thirty-two years old.
 Q. You were born in the United States?—A. Yes, sir.
 Q. Always lived here?—A. Yes, sir.
 Q. Did you register at the city hall at any time?—A. On last election, I did then, for Hayes and Wheeler.
 Q. You went to register, then?—A. Yes, sir.
 Q. That was four years ago, was it?—A. Yes, sir.
 Q. Have you ever registered since?—A. No, sir.
 Q. You haven't registered since you moved down to 2508 Broadway?—A. No, sir.
 Q. Where did you live when you registered?—A. Tenth and Dock.
 Q. Did you go to the city hall before the last election to get a transfer?—A. I did, sir.
 Q. Did you get in?—A. No, sir.

- Q. Why not?—A. They objected to it. A young man, I don't know what his name was, he was outside of the railing there, objected to me.
 Q. What objection did he make?—A. He said it was not necessary for me to register my name there; to do it at the polls. I went there to get a transfer; I told him that I had moved since I last registered.
 Q. Did you tell him where you then lived?—A. I did.
 Q. What did he say to this?—A. He said, it was not necessary for me to transfer, to get it at the polls, just so. Well, I went to the polls election day.
 Q. Where?—A. Right next door to the corner on Warren and Broadway, Mrs. King's.

- Q. Did you have to register at those polls on election day?—A. I offered to do so, but I could not. They told me I couldn't do it, I had to go to the city hall. I told them I had been down there to the city hall and they sent me here.

- Q. What then?—A. That is all. They told me to go away.
 Q. Did you offer to vote?—A. I hadn't offered to vote until I got my transfer. They wouldn't accept of it.
 Q. What are your politics—Republican?—A. Republican, sir.
 Q. You wanted to vote the Republican ticket?—A. Yes, sir.
 Q. You are a colored man?—A. Yes, sir; yes, sir.

Cross-examination by Mr. DONOVAN:

Q. How far is Tenth and Dock from 2508 Broadway?—A. Tenth and Dock, as near as I can come at it, I will say is about six blocks.

- Q. It is in a different polling precinct from 2508 Broadway?—A. Oh, course it is different.
 Q. And you obtained no transfer?—A. No transfer. I got no transfer.

Q. You don't know when you went to the city hall whether you made a mistake in what you said, or whether the clerk made a mistake?—A. Now what I said. I was pretty straight.

- Q. You don't know whether he understood you or not?—A. They must have understood me.

Q. You think the clerk understood you?—A. I think he understood me.
 Q. Are you sure he was a clerk?—A. He was there behind that railing for business. He was doing writing; therefore he was.
 Q. Do you know whether you applied to the proper party?—A. I applied to the registering office; they told me where it was, a man downstairs told me, and I hurried on as fast as possible.

Q. There is often parties staying inside of the railing there that [redacted] not clerks of the recorder. Are you sure that you applied to the proper party?—A. Yes, sir.

285 Q. You think so?—A. I am certain of it.

Q. You don't know who he is?—A. I am certain that I applied to the proper party.

Q. That is, you think he was the proper party?—A. I am pretty sure he was the man that was there to do that business; when I asked him, he seemed to know what I was talking about.

Q. Do you know whether he was employed by the recorder of voters?—A. I don't know anything about that part of the game.

Q. Well, you don't know anything specially about him?—A. Nothing further than that he said that was his business.

Q. Did he tell you what his business was?—A. I asked him 286 was he a registering voter here. He said, "Yes sir, this is the place." I told him I wanted to be transferred; I told him where I lived exactly. He asked me where I removed from, and where I registered the last time. Then he said, "You don't have to attend to that here, you get that at the poll."

Q. Didn't you know that could not be done at the polls?—A. That could be done at the polls.

Q. That is your judgment? That is your construction that a transfer can be made at the poll?—A. Yes, sir, that is my construction, that the transfer would be made at the poll.

Q. Had you ever read the law?—A. No, sir, I can't read.

287 Q. Well you didn't get the transfer?—A. No, sir, I did not.
Signature waived.

288 WILSON WHITE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Wilson White.

Q. Where do you live?—A. 2508 Broadway.

Q. How long have you been living there?—A. I have been in there about two years.

Q. How long have you lived in Saint Louis?—A. Nineteen years; been here about nineteen years.

Q. How old are you?—A. I am 28 years old.

Q. You are a colored man?—A. Yes, sir.

Q. You were born in the United States?—A. Yes, sir.

Q. Had you ever registered at the city hall, Mr. White?—A. Yes, sir, last Presidential election.

Q. You registered then before the last Presidential election?—A. Yes, sir.

289 Q. And haven't registered since?—A. No, sir.

Q. Where did you live then?—A. I lived on Ninth and Dock streets.

Q. Did you go to the city hall for a transfer before this last election?—A. No, sir; I didn't have time.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where?—A. There on Broadway right by my house; betwixt Warren and Benton.

Q. Did you offer to register at the polls on election day?—Yes, sir.

Q. Were you permitted to register?—A. No, sir.

Q. Did you offer to vote?—A. Yes, sir.

Q. Did they receive your vote?—A. No, sir; they would not.
Q. What ticket did you offer to vote?—A. Republican ticket.

Q. What reason did they give for not allowing you to register that day?—A. They wouldn't tell me. They told me they didn't have time to be bothered with me. I went there twice. I went there in the morning and again at three o'clock in the afternoon, and I didn't vote either time.

Cross-examination by Mr. DONOVAN, counsel for contestee:

You obtained no transfer from your previous place of residence?

. No, sir.

r. DONOVAN. Now, I desire here to enter an objection to the examination of any more witnesses who had been registered, and failed to obtain a transfer, for it is a useless consumption of time.

This was done by all the judges at all the polls in the city of Saint Louis, with Republicans and Democrats alike; and that if witnesses who failed to transfer, and who were Republicans, are brought here to testify, and the committee considers that they were entitled to have their ballots counted, it will simply necessitate our calling up an equal number of Democrats in the same situation to offset the number brought up by the contestant.

Signature waived.

PETER LARKINS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. Give us your name.—Answer. Peter Larkins.

Where do you live?—A. 1314 North Eleventh.

How long have you lived there?—A. About five years.

How long have you lived in Saint Louis?—A. I have lived in St. Louis—well, I have been here, to the best of my knowledge, I have been in Saint Louis here for fifteen or sixteen years. I come—

. That's near enough.—A. I can't tell you just exactly the date.

You are a colored man?—A. Yes, sir.

Q. Born in the United States?—A. Yes, sir.

Q. Never have lived out of the United States?—A. No, sir.

Q. How old are you?—A. I don't know exactly my age.

About how old?—A. Well, from about fifty; you can put it like.

Did you register, Mr. Larkins, at the city hall since you lived at North Eleventh?—A. I did; I did, sir; yes, sir.

Have you moved since you registered at the city hall?—A. I haven't moved from right there.

Did you go to the polls on election day?—A. Yes, sir; I went to election polls the third time.

Where?—A. It is on O'Fallon street; that is, betwixt Tenth and Eleventh street. It was at the butcher shop the way it was.

Q. Did you vote on election day?—A. I did not. They prohibited me from voting.

Q. Did you offer to vote?—A. I offered it.

What ticket did you want to vote, Republican ticket?—A. Yes,

. Now, why didn't you vote?—A. They said that they couldn't find my name; they couldn't see it; they says, "Get away from here, don't crowd the way; you can't vote; I can't find your name." Then

I went back again, I went off—I wanted to get my vote in, and I went back again; I knowed I had been living there for five years, and I thought I was entitled to vote; and so I tried again, but I could ~~didn't~~ get it in.

295 Cross-examination by Mr. DONOVAN, counsel for contest:

Q. How often did you register at the city hall?—A. Registered at the city hall once.

Q. And but once?—A. Once; I registered there once.

Q. Where were you living when you did register?—A. I lived ~~at~~ at 1314 North Eleventh, where I live now. I have been there at that place for about five years, may be a little the rise over that.

Q. Is that a boarding house?

WITNESS. Boarding house where I am living at? No, sir; it is no boarding house.

Q. Are you a married man?—A. Yes, sir; I am a married man.

296 Q. Your name was not on the registration list at the polls?

A. That is what they told me, "Get away—get away—don't crowd the way; your name ain't found, and you can't vote."

Q. You offered to vote about three times?—A. Oh, yes; three times, yes, sir.

Q. That is all that you did, was to offer your vote?—A. Yes, sir.

Q. Didn't offer to do anything but vote?—A. I didn't offer to do ~~any~~ thing else.

Signature waived.

297 Wm. TERREL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. William Terrell.

Q. And where do you live?—A. Cass avenue; Tenth, between Cass avenue and O'Fallon—in the rear—1322 North Tenth.

Q. Which side of Tenth is it?—A. It is on the west side of Tenth street.

Q. Now, how long have you lived there?—A. I have been there about three years.

Q. How long have you lived in Saint Louis?—A. About four years.

Q. How old are you?—A. I am between twenty-seven and twenty-eight.

Q. You are a colored man?—A. Yes, sir.

Q. And have always lived in the United States?—A. Yes, sir.

298 Q. And in the State of Missouri?—A. Yes, sir.

Q. Always lived here?—A. Yes, sir.

Q. Did you go to the city hall to register?—A. Yes, sir.

Q. Last fall?—A. Yes, sir.

Q. Just before the election?—A. Just before the election.

Q. And you registered?—A. I registered there.

Q. Did you go to the polls on election day?—A. I went to the polls on election day.

Q. Where?—A. On Cass avenue to vote.

Q. Whereabouts on Cass?—A. Between Tenth and Eleventh, in the butcher shop there.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. They said they couldn't find the name.

299 Q. On the book?—A. Yes, sir; on the book.

Q. Did you offer to vote?—A. I offered to swear my vote, but they didn't take it.

Q. What ticket did you want to vote?—A. For Garfield.

Q. The Republican ticket?—A. The Republican ticket; yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When were you registered previously to last fall?—A. I never registered before, at all; never did; never voted for no President before last fall.

Q. Never had registered at the city hall?—A. Not before last fall,

Q. When you registered at the city hall you gave your number as 1322 North Tenth street?—A. Yes, sir.

Q. And they took it down as such?—A. Yes, sir.

Q. Did you meet the reviser when he came around there in the performance of his duty?—A. I met a man that challenged me; I don't know whether he is a reviser or what he is.

Q. I mean prior to the election day, did you meet the reviser?—A. sir.

Q. Are you a bachelor?—A. No, sir; no bachelor, sir.

Q. The judges simply told you at the poll that your name was not on the list, and therefore you could not vote?—A. That is what they told me at the poll.

Q. And you just simply offered to vote and they refused you?—A. And they refused me.

Q. That is all?—A. And that is all, sir; yes, sir.

Signature waived.

C. H. WISCHMEYER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name, your full name?—Answer. C. H. Schmeyer.

Q. And you live where?—A. 1425 Salisbury.

Q. How long have you lived there?—A. I have lived there now but nearly nine months.

Q. Where did you live before you went to 1425 Salisbury?—A. 1417 the same block.

Q. 1417 Salisbury?—A. Yes, sir.

Q. How long did you live at 1417 Salisbury?—A. I lived there a little over five years.

Q. How old are you, Mr. Wischmeyer?—A. Twenty-nine.

Q. How long have you lived in Saint Louis?—A. Well, I was raised here.

Q. Were you born here?—A. I was not born here, but I have been here since I was about a year old.

Q. Did you register while you lived at 1425 Salisbury?—A. No,

Q. Did you register while you lived at 1417 Salisbury?—A. Yes,

Q. How many times have you ever registered?—A. Only once.

Q. You have registered only once?—A. Yes, sir.

Q. Both of those numbers are in the same block on the same street, between the same streets, are they not?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

304 Q. What polls?—A. I went and asked a person and he told me to go up to Bremen avenue and Fifteenth.

Q. On the corner?—A. Near to the corner; yes, sir.

Q. Was it on Bremen avenue corner of Fifteenth?—A. Yes, sir; it is on Bremen avenue, near the corner of Fifteenth street.

Q. Did you offer to register at the polls on election day?—A. Yes, sir; I went there to vote, and found that my name was at 1417; ~~so~~ then I had my name transferred over to 1425 Salisbury street.

Q. Right there at the polls?—A. Yes, sir.

Q. And they transferred it, did they?—A. Yes, sir.

305 Q. Now, did you vote?—A. Yes, sir.

Q. What ticket did you vote, Mr. Wischmeyer?—A. I voted the Republican ticket.

Q. They took your ticket, did they?—A. Yes, sir.

Q. Did they put in the ballot-box?—A. They put it right in the ballot-box; yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee.

Q. You voted for Sessinghaus for member of Congress?—A. Yes, sir.

Q. And although you didn't live at the place that you registered from, the judges at the poll accepted your Sessinghans ballot from you?—A. Yes, sir; that is they took the ticket which I gave them and put it right into the box.

306 Q. You had taken no transfer from 1417 to 1425 Salisbury?—A. No, sir; I went down to the city hall to be transferred, but it was so full, and I didn't have the time to wait, because I had business to attend to elsewhere, so I was transferred at the polls.

By Mr. POLLARD:

Q. Is there another C. H. Wischmeyer living either at 1425 or 1417 Salisbury?—A. No, sir.

Q. Is there any other person living at that same house?—A. My father used to live at 1417; we both lived there at one time; not for the last two years, though.

Q. What is his name?—A. His name is G. H. Wischmeyer; he lives now upon Grand avenue.

Q. You don't know whether this ticket was counted or not?—A. No, sir.

By Mr. DONOVAN:

Q. Did you know that it was put in the box?—A. Yes, sir.

Signature waived.

Mr. DONOVAN. With the consent of the counsel for contestant and at his request I have delayed making this objection to all previous witnesses examined, which is intended to apply to all subsequent witnesses examined that fall within the same objection; I object to their examination as witnesses in this case, because their places of residence are not stated in the notices furnished to me. This objection is made particularly, because the majority of them are colored men and are in the habit of moving from place to place. I do further object, because the notices under which these witnesses are being examined, instead of stating from 8 a. m. to 6 p. m., state that the hours of examination shall be from 8 a. m. to eleven o'clock at night. I further object to the examination of any witness whose ballot is in the hands of the general supervisor or his clerk, because the same cannot be

ated as ballots under the law, and the testimony and record in reference to those ballots is wholly immaterial and irrelevant. This objection, it is agreed, will apply to previous and subsequent witnesses without being repeated in the record.

Not being able to complete the taking of these depositions, I do now journ the further taking of the same until to-morrow, Monday, February 14, 1881, then to be continued at the same place at the hour half past nine o'clock in the forenoon.

SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 14.

1 Pursuant to adjournment, as above stated, on the fourteenth day of February, 1881, at the hour of half past nine o'clock in the forenoon, I continued the taking of these depositions, as follows:

JOHN H. EVANS produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name, sir?—Answer. John H. Evans.

Q. Where do you live?—A. 1110 North Fourteenth street.

Q. How long have you lived there?—A. That has been my home for year ago, last February.

Q. Two years ago this month?—A. No, sir; one year.

Q. How long have you lived in Saint Louis?—A. I lived in Saint Louis since 1868, March, 1868.

Q. Thirteen years?—A. Yes, sir.

Q. How old are you?—A. I am 26 years old.

2 Q. Have you ever registered since you lived here?—A. Yes, sir.

Q. How long ago?—A. When I became of age.

Q. Where were you living at that time?—A. 1416 Carr street.

Q. Have you ever registered since?—A. Yes, sir; 2348 Olive.

Q. That is the last time that you registered?—A. Yes, sir.

Q. Did you obtain a transfer from 2348 Olive to 1110 North Fourteenth?—A. No, sir.

Q. Never did obtain a transfer?—A. No, sir; I went to the city hall, but it was so crowded, I could not get inside.

Q. Did you go to the polls on election day?—A. Yes, sir; I did.

Q. Where?—A. 1418 Carr street.

Q. That is the poll in which 1110 North Fourteenth is situated?—A. Yes, sir.

Q. Did you register on election day?—A. No, sir; they would not allow me.

Q. What reason did they give you for that, for not allowing you 3 to register there?—A. They said I ought to have gone to the city hall to register.

Q. Did you offer to vote on that day?—A. Yes, sir.

Q. What ticket?—A. A scratched ticket, but I offered to vote for Sessinghaus.

Q. On that day?—A. Yes, sir.

Q. Did you vote?—A. I did not; I know Mr. Moll; I gave my ticket to him and he said he would accept it; now, I don't know whether I voted or not.

Q. Who is Mr. Moll?—A. He was one of the officials inside of the polls; he accepted my ticket under protest.

Q. Supervisor?—A. I don't know what his name is, what his title is.

Q. And he accepted it under protest?—A. So he did.

Cross-examination by Mr. DONOVAN, counsel for contestee:

4 Q. They told you that you had to go to the city hall to obtain your transfer?—A. No, sir; that was not what they told me.

Q. What did they tell you?—A. They said that I ought to have gone there before.

. Didn't they tell you that it was not in their power to transfer you
lection day; was not that the universal rule throughout the entire
?—A. I don't know whether it was or not, sir.

. Didn't you know that where you had been previously registered,
as impossible for any of them to transfer you at the polls, or register
at the polls ?—A. I told them at the time the last place from which
d registered, that being on Olive street.

. They told you after that that they could not transfer you, inas-
h as you had failed to obtain the transfer at the city hall ?—A.
y told me if I went up on Olive street, I might vote there.

. They told you if you went to the city hall, you might obtain a
sfer ?—A. No, sir; they didn't tell me to go there at all.

Q. I thought you just stated that they said you ought to go
to the city hall ?—A. They told me I ought to have gone.

Q. That it was your duty to do that ?—A. I did, sir; I went
e.

. But you didn't take the time to perform your duty as a citizen ?

. There was such a crowd that there was no use of staying there
he day.

. And you didn't obtain a transfer ?—A. No, sir; I did not.

. And therefore you couldn't vote at any place ?—A. I suppose not.
gnature waived.

JACOB VOLK, produced, sworn, and examined on the part of the
contestant, deposeth and saith:

By Mr. POLLARD:

uestion. Give us your full name, please.—Answer. Jacob Volk.

. Where do you live, Mr. Volk ?—A. On Cass avenue, Three-mile
se—no it is on Prior avenue.

. Your house is not numbered ?—A. No, sir.

. How long have you lived there, Mr. Volk ?—A. Well, I lived there
hat neighborhood, and in that number about ten years; I moved
n across the street, you may say, over to that side of the street.

. Moved from one side of the street to the other ?—A. There is a
ple of streets between, but there is no houses upon the street from
place to the other; it's right across the street, right across.

Q. When did you make that move ?—A. Well, about a year ago.

Q. Did you ever register at the city hall ?—A. Yes, sir.

Q. How long ago, Mr. Volk ?—A. I could not tell you; it is a
; time ago.

. About how many years; five years, or six, or seven years ?—A.
en years anyway.

. How long have you lived in Saint Louis ?—A. I lived there about
years.

. How old are you ?—A. I will be thirty-three; I was thirty-two.

. How long have you been in the United States ?—A. All told, about
teen or fifteen years.

. You came here before you were twenty-one years of age ?—A. I
eighteen sure.

. Now after you made this move across the street, did you register
the city hall, or did you transfer your name from the previous resi-
ce to the place where you then moved to ?—A. I did, sir; I went
down there to the city hall, and it was so crowded, and there was
a man there; he wrote down my name for me, and I told him I
was in a little hurry, and he favored me a little; he wrote my

name on a piece of paper with a lead pencil, and he says, "You are ~~all~~ right, of course," and after that was over I went home.

Q. Was this man inside—was he inside of the bar—an officer?—A. He was behind what I would call a counter.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Did you vote?—A. Yes, sir.

Q. What ticket did you vote?—A. I voted the Republican ticket.

Q. What did they do with it? What did you do?—A. I had to go ~~in~~ inside, and the judges don't know exactly if they could take me; and one of those gentlemen he took my ticket and wrote my residence on ~~it~~; then I wrote my name on the outside of the ticket and laid it down, and that is all I know about it; I knew all the judges and they knew ~~me~~.

Q. Now, in what precinct is that poll? Where is that voting place that you went to vote?—A. It was in Joe Post's house. The precinct I could not tell you.

Q. Whereabouts is this house of Joe Post's?—A. It is one block west of the Three-mile House, on the Saint Charles rock road.

Q. Now, is the place where you now live at, and the place where you lived at when you last registered in that same vicinity?

(Mr. Donovan, counsel for contestee, objects to the question because the gentleman does not state that he is familiar with the line of the voting precincts.)

Question repeated by the notary.

A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. They refused you the privilege of voting because you had not obtained a transfer at the city hall, and your name was not on the registration list?—A. Well, I was surprised when I found it was not on, because I went down to the city hall, and I even wrote the place out where I live on a ticket, and handed it to him on a written sheet.

Q. But that is the reason that you were not privileged to vote there, because the judges stated you had not transferred, and your name was not on the list?—A. He didn't say I was not there; he said they could take my vote there at the place. That is what they told me. I was not obliged to vote; I am not a great politician nohow.

Q. Well, your name was not on their list?—A. That is what they said. They said that twice.

Q. That is, that you were not registered there at this precinct, and they could not take you there, inasmuch as you hadn't obtained a transfer?—A. I didn't think it was necessary that I should obtain a transfer, when I was only moved from one side of the street to the other.

Q. That is what you think about it. Will you tell me the lines of your voting precinct?—A. I could not tell you about that. As far as I read at that time, they are pretty close there, but I am not acquainted how far our precinct goes; but I am sure I was in the same precinct anyhow, but I could not tell you the lines now.

Q. But, as a matter of fact, you knew if you moved within the same precinct and did not obtain a transfer, that you could not vote at the polls?—A. I could not tell that; I am not a lawyer. In fact, I have nothing to do with it; I don't bother myself about it; all I wanted was to vote fair and square.

(Mr. Donovan, counsel for contestee, objects to the counsel for contestant furnishing us with witnesses who did not obtain transfers in accordance with the law, it being a rule that was universally applied

ke against Democrats and Republicans on the last election day, and s always been the rule under which judges of election at every poll in the city of Saint Louis, and in every district in the city, have acted not only at this election, but at all previous elections, and such testimony is simply a waste of time and a useless incum-
bance of this record.

Counsel for contestant admits that this objection may be considered general.)

Signature waived.

THEODORE KRANEFUSS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name?—Answer. Theodore Kranefuss.

Q. Where do you live?—A. 1612 Monroe street.

Q. How long have you lived there?—A. I have lived there about eleven months.

Q. How long have you lived in the city of Saint Louis?

WITNESS. In Saint Louis? About eleven years; it will be eleven years in July.

Q. How old are you?—A. Thirty-four.

Q. How long have you been in the United States?—A. Fifteen years.

Q. Came here before you were 21?—A. I came here shortly before I was 21. I came here in January, and I would be 21 in April.

Q. Did you register at the city hall?—A. I didn't myself.

Q. Have you ever registered at the city hall?—A. Yes, sir.

Q. How long ago?—A. Four years ago.

Q. Where were you then living?—A. 2125 East Twentieth street, between Exchange and North Market.

Q. How far is that from 1612 Monroe?—A. Well, all I got to do is to walk up and go to the alley, and all I got to do then is to go across the street; otherwise I have to go around the block.

Q. Are they both in the same voting precinct?—A. They are both in the same voting precinct.

(Mr. Donovan, counsel for contestee, objects to the question unless the gentleman first states that he is familiar with the lines of his precinct.)

By Mr. POLLARD:

Q. Did you get a transfer last fall?—A. I did, sir; or, at least, I was told I had.

Q. What did you do about it?—A. Well, I had a friend of mine, Mr. Bisker, at the Mechanics' Planing-Mill; he came specially to my house on account of my working at the Adams Express Company—he came especially to my house and told me I was transferred from 2125 East Twentieth street to 1612 Monroe street. I took his word, and I never bothered myself after that.

Q. Did you go to the polls on election day?—A. I did, and voted.

Q. Did they find your name on the book?—A. They did not.

Q. What ticket did you vote?—A. Democratic ticket.

Q. The straight Democratic ticket?—A. Yes, sir; without an exception. I went there and tried to find out if my name was on book. Then went to the other precinct; I believe it was the 18th; I have forgotten the cross street; I know it was my precinct though; I know it was one of the polls where I used to vote, and they told me I made a mistake, and

they took me up to the other precinct. They didn't have my name there, so I came back to my own precinct, and I told them I was registered, and I wanted my vote.

Q. Did you vote for Mr. Sessinghaus?—A. No, sir; I did not; I voted for Mr. Frost; I voted the straight Democratic ticket, and always did, and always shall as long as I am in the United States; I shall vote a straight Democratic ticket, and I have never voted anything else.

Cross-examination waived.

Mr. DONOVAN. Now, I object to the testimony for the reason, notwithstanding the fact that the gentleman voted for Mr. Frost, nevertheless, he having failed to obtain a transfer at the city hall, his vote could not properly be counted, and the judges had no right to transfer him, under the law, at the polls.

Signature waived.

17 HENRY COLEMAN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. Give us your full name, Coleman?—Answer. Henry C. Coleman.

Q. Where do you live?—A. 1130 North Eleventh street.

Q. How long have you lived there?—A. I have been living there the last eight years.

Q. How long have you been living in Saint Louis?—A. I been here ever since I been twenty years old.

Q. How old are you?—A. Thirty-six last gone March.

Q. You are a colored man?—A. Yes, sir.

Q. Did you go to the city hall last fall and register?—A. Yes, sir.

Q. Did you register?—A. Yes, sir.

Q. Did you go to the polls on election day and vote?—A. Yes, sir, I did.

18 Q. Where?—A. Between Tenth and Eleventh on O'Fallon street, down there on the corner of the alley; I don't know the number of the precinct.

Q. Did you vote on election day?—A. No, sir; they would not allow me to vote; they told me that the supervisor had scratched my name off.

Q. You mean the reviser, the man that goes around before the election to find out whether the people live at the number from which they were registered?—A. He saw my wife and she told him.

Q. That is what your wife told you?—A. Yes, sir.

Q. Anyhow, when you went to the polls to vote you found your name had been scratched off?—A. Yes, sir.

Q. And you did not vote?—A. No, sir.

Q. What ticket were you wishing to vote?—A. The Republican ticket.

19 Q. Straight?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestants:

Q. Had you been registered at the city hall?—A. Yes, sir.

Q. When?—A. I was registered every Presidential election. I have been registered.

Q. From what place had you been previously registered?—A. From the same place for the last eight years.

Q. You registered at every election?—A. Yes, sir.

Q. Don't you know it to be a fact that when you are once properly

gistered you do not have to be registered again?—A. Well, I didn't know that. I was told to go to the city hall; I was told to go to the city hall.

Q. Who told you?—A. Mr. Nathan Cole did, before the election; that is the man I am working for.

Q. When did he notify you?—A. It was about two weeks before the election, or three weeks, as near as I can come to it. Q. Are you not aware of the fact, if a man has been once registered (do you say you have been registered before), that it is not necessary to re-register, but simply to obtain a transfer?—A. No, sir; I didn't see no right to transfer, because I was living the same place; I didn't think I had a right to transfer.

Q. If you were living in the same place, and hadn't moved, and had previously registered, why there was no right at all for anybody to register you again, because you were already registered.—A. Well, he told my name when I went up there to register.

Q. Well, you had been registered, you said?—A. Of course; he had taken my name and he says it was all right.

Q. And then you didn't register?—A. He says, "You are all right; here is your name."

Q. Then you hadn't re-registered; you just simply went to inquire?—A. I went there, and he looked over the books and wrote my name down again and says, "You are all right," of course. I seen him give tickets there, and I asked him for a ticket, and he says I didn't need any.

Q. Now, do you live in the front or rear of 1130 North Eleventh?—In the rear, sir.

Q. And the number that you gave at the city hall was 1130 North Eleventh?—A. The same number, sir; the same place.

Q. When you went to register you gave your name as living at 1130 North Eleventh?

VITNESS. When I went to register? No, sir.

Q. What number did you give?—A. 1130; that is what I gave them the time.

Q. How many people live in that house?—A. There is two families.

Q. You live on the alley?—A. Yes, sir; and this gentleman lives on the alley, and another gentleman that is here now.

Signature waived.

JACKSON MARTIN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name, Martin, your first name?—Answer. Jackson; Jackson Martin.

Q. Where do you live?—A. 1111 Morgan street, there in the rear; I lived there about a month—last month.

Q. Where did you live on election day?—A. I lived on Dock street; I been living there eight years.

Q. What number is it?—A. That is the southeast corner; southeast corner of Dock and Ninth.

Q. You lived there eight years?—A. Yes, sir.

Q. Until a month ago?—A. Yes, sir; that is where I registered at poll. Here is a paper that I got this morning (witness hands paper to counsel); they would not let me vote at all, and they would not let me register.

H. Mis. 27—39

Q. Did you ever register while you lived on Dock and Ninth?—A. Yes, sir.

Q. How long ago?—A. When Hayes and Wheeler run.

Q. Four years ago?—A. Yes, sir; four years ago.

Q. Did you go to the city hall before this last election?—A. Yes, sir.

Q. You did not register, you say, then?—A. I registered at first, ■ did.

Q. That is four or five years ago?—A. Four or five years ago.

Q. And then before the last election you did not register?—A. They ■ would not register me.

Q. They told you you were all right, or what did they tell you?—~~A.~~
They told me that they were not going to register any names then; ■ was about seven o'clock at that time when I was there.

Q. Did you live at the same place on last election day that you d ■ when you registered?—A. Yes, sir.

Q. Hadn't moved at all?—A. No, sir.

24 Q. How long have you lived in the city, Mr. Martin?—A. Ever since Mr. Curtis brought colored people here.

Q. About how long is that?—A. The time Vicksburg was taken.

Q. During the war?—A. Yes, sir.

Q. How old are you?—A. It seems to me I am about forty-one or forty-two years old.

Q. You are a colored man?—A. Yes, sir.

Q. You have lived here ever since?—A. Yes, sir.

Q. Now, did you go to the polls on election day to vote?—A. I did.

Q. Whereabouts were those polls?—A. It was on Broadway and Main street; they asked me was I registered.

Q. Was that precinct 83 that you went to?

(Mr. Donovan, counsel for contestee, objects to placing in the mouth of the witness this statement in regard to what was his poll, when he has already been furnished from the drill-room with a paper informing him of the number of the poll.)

25 A. I don't know, sir; I don't know what the number was.

By Mr. POLLARD:

Q. You don't know the number of the precinct then?—A. No, sir; I just got that this morning (witness refers to paper previously handed to counsel).

By Mr. DONOVAN:

Q. That is the paper that you speak of that is now in the hands of the counsel?—A. Yes, sir.

By Mr. POLLARD:

Q. After you went to the polls did you vote?—A. No, sir.

Q. Why not?—A. He asked me—

Q. Who asked you—one of the judges inside?—A. Yes, sir; he asked me was I registered. I told him, "No, sir; not since a year ago"; they said, "That don't do, old man."

Q. Was your name on the poll books, or don't you know?—A. Not as I know.

26 Q. What did they say?—A. They never said—

Q. One way or the other?—A. They never said nothing; no, sir.

Q. How far were the polls from where you live?—A. It was about three blocks.

Q. Did you offer to vote that day?—A. I wanted to vote.

- Q. What ticket?—A. I was going to vote the Republican ticket.
 Q. Straight?—A. Yes, sir.
 Q. And they would not let you do it?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. Who was it in the drill-room gave you this memorandum?—A. I don't know, sir. I just asked a man to give me the number of the room where they were voting.
 Q. Then you got it here in this next room?—A. Yes, sir.
 Q. Who gave you that memorandum?—A. I don't know, sir, who he was.
 Q. Don't know the man at all?—A. No, sir.
 Q. Did you ask him for it or did he offer it to you?—A. No, I never asked him for it.
 Q. He just gave it to you?—A. Yes, sir. You said did I get it here? sir; I did not.
 Q. Who gave it to you?—A. A gentleman gave it to me.
 Q. A man just met you on the street and gave it to you?—A. No,
 Q. How did you get it?—A. I asked him what the number was of polls; that is what I asked him, and he gave it to me.
 Q. Don't you know who the man was?—A. No, sir.
 Q. A stranger to you?—A. A stranger to me.
 Q. How did you come to ask a stranger for that written instruction?
 Q. I had to ask him, because Mr. Smith told me to be straight about to go and get it.
 Q. You just met the man along the street, and asked him what was your poll?—A. Yes, sir.
 Q. You never saw him before, and never saw him since?—A. sir.
 Q. And you don't know whether he knew what the number of your was or not?—A. I think he did, because he lived in that district.
 Q. Don't you know that even the most intelligent men don't know boundary lines of their precinct, and the counsel for contestant hasn't made the remark that I don't know my own?—A. Well, if I could d or write I don't know how that would be. But that is the reason sked a gentleman.
 Q. And a perfect stranger that you met on the street?—A. Yes, sir.
 Q. Now, you live at present at 1111 Morgan street?—A. Yes, sir.
 Q. In the rear?—A. Yes, sir; in the rear of Morgan street—
 1111.
 Q. Did you live in the rear of Dock street and Ninth?—A. I lived right on Dock and Ninth.
 Q. Front or rear?—A. Front.
 Q. How many people lived there?—A. Well, Mr. Meredith, Mr. Willis, and some more people. I don't know them. They are strangers me.
 Q. Is that a boarding-house or a tenement house?—A. Oh, no, sir; s not a boarding-house.
 Q. It is a tenement house, then?—A. There are families of people ng there; they don't keep no boarding-house.
 Q. What is your business?—A. I team, sir, all the time.
 Q. Well, you didn't find your name on the polling list?—A. He never ked. He asked me just so: "Is your name registered?" and I told , "No, sir." "When did you register?" I told him I registered 'n Hayes and Wheeler was running. He says, "Well, that won't

do, old man. You ought to have registered this time." So with
30 that he just turned me off.

Q. That is, you ought to have obtained a transfer this time ?
—A. Yes, sir.

Q. And, from what you told him, he inferred that you had not the privilege of voting at the present election ?—A. Well, sir, he told me I could not vote unless I had registered.

Q. You just offered to vote ?—A. Yes, sir; of course I had my ticket and wanted to put it in.

Q. You just offered to vote ?—A. Yes, sir.

Q. And that is all ?—A. Yes, sir.

By Mr. POLLARD :

Q. Which way from where you live were the polls on that day ?—A. You go down on Broadway and you go right by them.

Q. North ?—A. North.

Q. How many blocks on Broadway ?—A. Exactly three blocks from where I live.

31 Q. Just three blocks ?—A. Just three blocks; one west to Broadway and two on Broadway.

Q. That is the place where you offered to vote ?—A. Yes, sir.

Signature waived.

32 W. V. ALLEN, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD :

Question. What is your name, sir ?—Answer. W. V. Allen.

Q. Mr. Allen, were you one of the judges of election on last election day ?—A. I was, sir.

Q. At what precinct ?—A. I think the fifty-seventh precinct, Fourteenth ward.

Q. Where was that ?—A. 1817 North Tenth street.

Q. Do you know, Mr. Allen, whether any men presented themselves at that poll on election day to vote whose votes were rejected ?—A. I do.

Q. How many ?—A. I don't know that I could say the number of men I can call to mind five that I have in my mind now.

Q. Were there more than that ?—A. There possibly was more; there would naturally be more in a ward of that magnitude.

33 Q. Do you remember the names of those five ?—A. I remember part of the five; one was M. L. Milburn, Dr. U. Harder, and there is another man, I don't know the name, he lived at 1833 North Tenth. I don't recall the name; he was there, and I think 1833 is the number of the house that he lived in.

Q. Now, these men were there and offered to vote ?—A. Yes, sir; these men were there and offered to vote.

Q. Do you know what ticket they offered to vote ?

(Mr. Donovan, counsel for contestee, objects.)

By Mr. POLLARD :

Q. What ticket ?—A. The Republican ticket.

Q. Were their votes received by the judges ?—A. They were no!

Q. What was done with them ?—A. They were turned over to United States supervisor.

Q. To the supervisor ?—A. Yes, sir; I think; yes, sir; I know were.

Q. What he did with them you don't know ?—A. I do not.

Q. Now, did you know Mr. Milburn?—A. I had no personal knowledge of him; I know he was a citizen of Saint Louis, and said he was a citizen for thirty years.

. His name was not on the registration list, and that is the reason I didn't take him?—A. I think not—that is, I don't think his name on the list.

. The same with this other person?—A. And he demanded to vote. . That is the same case with all these men?—A. They claimed to citizens there. Dr. Harder was a citizen there for three or four years; he was stricken by the board; Milburn's name didn't appear on list at all.

. What is the case of the man that lived at 1833 North Tenth?—A. But the same.

. Were there any Chronicle tickets offered at that precinct?—A. General.

. About how many of them?—A. Probably four or five.

Q. Did all those which were offered have the name of Mr. Sessinghaus for Congress?—A. I think they did.

Q. What was done with those tickets?—A. They were not noted.

. Returned to the city hall and not counted?—A. Returned to the city and not counted.

. Was there any objection to receiving the votes of these persons offered the Chronicle ticket, except the bare fact that they were Chronicle tickets?—A. They were not rejected on account of their being Chronicle tickets, but they were not counted in the returns by the judges; cast up after the polls were closed.

. But were received?—A. Yes, sir; but not cast up.

. Their names were on the registration list?—A. They were voters, the votes were not cast up.

. Were there any Greenback-Labor tickets in the same fix?—A. , sir; there was.

. About how many?—A. About fifteen.

Q. Whose name was on those tickets for Congressmen; on those Greenback-Labor tickets?

(Mr. Donovan, counsel for contestee, objects to the inquiry, for reason that the ticket is right here in the room, and will speak for it.)

. Mr. Sessinghaus's name appeared on most of those tickets; as far can remember the name of Mr. Frost had been erased and Mr. Sessinghaus's had been put on it.

Mr. Donovan, counsel for contestee, objects to the answer because witness is now stating a matter regarding which he was not asked; was asked whose name appeared on that ticket.

r. Pollard, counsel for contestant, states that the question asked reference to the name which was originally on that ticket.)
the WITNESS. I thought that was the inquiry.

By Mr. POLLARD:

. And the name which had originally appeared printed on that ticket had been erased and the name of Mr. Sessinghaus put on in its place?

(Mr. Donovan, counsel for contestee, objects to the question, because the witness has not stated anything of the kind, and because the counsel for contestant desires to put that statement in the mouth of the witness and have him say yes.)

WITNESS. I am satisfied that the tickets had the name of Mr. Sessinghaus on them—most of them had—for Congressman.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Whose name was printed on the Greenback-Labor ticket; was it not the name of O'Connell?—A. It might be that; I never took notice who the candidate was.

Q. You never took notice at all who the candidate was for Congress on the Greenback-Labor ticket?—A. No, sir.

Q. Now, do you know where Mr. Milburne lives?—A. I do not.

Q. You were going on to state, when you were interrupted by [redacted] counsel for contestant, why those who voted the Chronicle ticket were rejected. It was for some other reason than that it was simply the Chronicle ticket, please state it now.—A. They were not rejected, but they were not cast up in the returns.

Q. But that was for some other reason—that was not for the reason alone that it was a Chronicle ticket?—A. No, sir.

Q. Well, what was the other reason?—A. Well, the judges decided that there was no place to make a return of those odd tickets; that is what they decided both for the Greenback-Labor ticket and the Chronicle ticket. There was a return made for the Republican ticket and for the Democratic ticket, but the balance of the tickets were not counted.

Q. They held that the Chronicle ticket was a fraud upon voters?—A. Not necessarily; I don't look at it in that light. Then it would infer that the Greenback-Labor ticket was a fraud also. What conclusion they did arrive at in regard to the Chronicle ticket I don't now remember; but I know that at the close of the day those tickets were not counted up.

Q. You put them in the ballot-box all the same?—A. We put them in the box that was not sealed, and sent them to the city hall, and let them count them there. I insisted upon counting them, but they voted not to.

Q. What discussion did you have in regard to the Chronicle ticket wasn't it concluded by you all that it was a shameful fraud upon voters?

WITNESS. The voting of those tickets? No, sir; I don't think nothing was suggested of that kind.

Q. Why didn't you count them then?—A. Because the judges decided that there was no place to make any return; there was no instrument to that effect on the poll books, and the poll books were only arranged for the returns for the two parties. There was no room to count Chronicle tickets, or any other tickets, except those cast up for the two parties.

Q. Wasn't Sessinghaus's name on that Chronicle ticket?—A. sir.

Q. Didn't it state that he was running for Congress?—A. sir.

Q. Wasn't there a place for members that were running for Congress on your tally sheets?—A. Yes, sir.

Q. Why didn't you put it in?—A. The majority of the judges against it.

Q. Then they concluded that this ticket was a fraud upon calculated to deceive them?—A. No, sir; they did not.

Q. Why didn't you count them?—A. They didn't propose

"... throw out some straight Democrat

Wasn't it just as fair to count the Chronicle ticket as it was to it the Democratic and Republican tickets?—A. Just as fair; but I would have to enter them under a different heading, and they don't want to do that.

Q. Now, you must have had some discussion in regard to the Chronicle ticket, as to whether it was, under the law, proper to receive it or not?—A. We received it, of course; we could not do it until after it was brought out from the box. When the close of polls came about, and we were counting these tickets out for the different candidates that were scratched, they decided to count the regular Democrats and Republican tickets, and the other tickets they would turn over to the register and let him count them if he chose.

But you had some discussion before you arrived at that conclusion?—A. Yes, sir.

What was it?—A. I thought that they ought to be counted, that every man's vote ought to be counted that had voted; but they didn't think it worth while to bother with it.

Didn't they say anything at all?—A. Well, merely that they would rather allow it to go before the register and let him attend to it; that they were fraudulent or anything of that kind.

What did they say about it?—A. They said they would not count them.

Q. Did they give any reason?—A. One reason was, it would take a great deal of time to go over them and count up the ticket and have the vote for each man counted.

There were only a few of them?—A. There were twenty tickets together; Greenback-Labor tickets and Chronicle.

But there were only a few Chronicle tickets?—A. It would not have been fair to count one class of tickets and not count them all; we had a tally of the Republicans and Democrats, right along.

If you found a vote for Sessinghaus, on the Chronicle ticket, it was only a small thing to make a mark and add in that mark?—A. We were only taking the straight tickets.

Was the Chronicle a scratched ticket or not?—A. Some were scratched.

Were any Chronicle tickets of these that were cast scratched in respect?—A. I think they were scratched tickets, all of them; I don't know who they were voted by or for what candidates.

MILTON B. CRANE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name?—Answer. Milton B. Crane.
Where do you live?—A. At present, I am stopping at the Mound Hotel.

Do you know Mr. Bartlett?—A. Yes, sir.
George Bartlett?—A. Yes, sir.

Where is he?—A. He is in Arkansas, at present.
How long have you known him?—A. I have known him for seven years; I could not say positively.

About how long?—A. For eight or ten years.
How long has he lived in Saint Louis, to your knowledge?—A. I, that length of time.

How old a man is he?—A. He is about thirty.

44 Q. He is an American, born in the United States?—A. Yes, sir; American born.

Q. Do you know whether he had ever registered and transferred prior to the last election, Mr. Crane?—A. Yes, sir; I was with him at the time.

(Mr. Donovan, counsel for contestee, objects to the question, for the reason that the records are the best evidence.)

By Mr. POLLARD:

Q. You were with him at the time that he went and was transferred to his present number?—A. That was down at the city hall; yes, sir.

Q. About how long before the election?—A. More than ten days before the election.

Q. You were there and were transferred at the same time?—A. No, sir.

Q. Did you go there with him?—A. Yes, sir.

Q. Where was he living at the time he was transferred?—A. He lived at 1208 North Market; that is the number he transferred to.

Q. Do you know where he transferred from?—A. I cannot say positively; somewhere on Ninth street, near Carr; I don't know the numbers up there.

45 Q. Do you know how long he has been living at 1208 North Market before the election?—A. No, sir; not positively.

Q. Do you know whether he went to the polls on election day?—A. Yes, sir.

Q. Do you know whether he voted on election day?—A. He did not; he was refused to vote.

Q. You were with him?—A. Yes, sir.

Q. Why was he refused?—A. His name didn't appear on the poll book.

Q. Do you know whether he offered to vote?—A. Yes, sir.

Q. What ticket?—A. I believe he was going to vote the Republican ticket. I am not sure of that.

Q. What poll did he go to and offer to vote, if you remember?—A. It was on the corner of North Market and Twelfth street; I do not know the number.

46 Q. And his vote was rejected because they could not find his name on the list?—A. That was the only reason.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. And you stated you were not sure how long he had lived at the place that he wanted to vote from?—A. No, sir; he had lived there long enough to transfer; that is all I know about it.

Q. Did you ever visit his house?—A. Yes, sir.

Q. Where; when he lived at his previous place or this place?—A. No, sir; on Market street.

Q. How many days before the election did you visit him there at the house?—A. I suppose two months, probably, before the election; he was working with me, and we was familiar.

Q. Why did you go to the city hall with him?—A. To have him register; he felt delicate about that himself, I suppose.

47 Q. And you said he had been registered?—A. I should say transferred.

Q. And you thought he got a transfer?—A. I saw him go through the motions; I could not say further.

Q. What is this man's business?—A. He was working at millwrighting at that time with me.

- Q. Traveling around the country?—A. No, sir; not traveling around country ; he was with Smith & Beggs at that time ; he is at present a bridge builder on the San Francisco and Saint Louis Railway.
- Q. Is his family with him?—A. He has taken his wife there recently ; he expects to stay there now for some length of time.
- Q. Did he live on the front or rear of this place that you speak of?—A. He was living in the second story ; he had the whole house upstairs.
- Q. Some persons were living down-stairs?—A. Yes, sir.

Signature waived.

ANTOINE CRAWFORD, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD :

- Question. What is your full name?—Answer. Antoine Crawford.
- Q. Where do you live?—A. Corner of Bellglade avenue and Parsons.
- Q. How long have you lived there?—A. I have lived there three years last July.
- Q. How long have you lived in Saint Louis?—A. I have been here my life.
- Q. Were you born here?—A. Yes, sir.
- Q. How old are you?—A. Forty now.
- Q. You are a colored man?—A. Yes, sir.
- Q. Did you ever register at the city hall?—A. Yes, sir.
- Q. When?—A. It was when they first registered ; when I lived down here.

- Q. Have you ever registered since you lived at Bellglade and Parsons?—A. Yes, sir.
- Q. When did you do that?—A. When I left the city to go down here ; I went out there to be registered, or rather to be transferred.
- Q. Is that outside of the city limits?—A. No, sir ; it is in the Twenty-eighth ward.
- Q. It is the other side of Grand?—A. It is the other side of Pryor Avenue.
- Q. In the Twenty-eighth ward?—A. Yes, sir.
- Q. When did you go to the city hall to get that transfer?—A. I went there three years ago when I left the city.
- Q. Was that after you moved out there to Bellglade and Parsons, where you now live?—A. No, sir ; I moved to another house previous to that ; I moved out there about four years ago ; that is when I had last registering done out there, and then when I moved from the place where I now live I went down and had myself transferred again.

- Q. So you have been transferred to the place where you now live, and this was before this last election?—A. Yes, sir.
- Q. Now, did you go to the polls on election day to vote?—A. Yes,
- Q. Did you vote?—A. I voted ; they put it down by themselves.
- Q. They refused to put it in the box?—A. Yes, sir.
- Q. Why did they refuse it?—A. They said my name was stricken off ; I went to the city hall to have it put on, but they would not do that thing.
- Q. That was on election day you went to the city hall?—A. Yes, sir.

Q. And then you went back to the polls?—A. Yes, sir; they kind of swore me in and put my vote in another place by itself.

Q. What ticket did you vote?—A. I voted the Republican ticket.

Q. Was it a Chronicle ticket that you voted?—A. No, sir; straight Republican ticket.

51 Q. Did you make a transfer three years ago after you moved out at Bellglade and Parson?—A. I moved into another house, you know.

Q. Since you made that transfer you moved into another house?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Since you moved into the house where you now live did you transfer again?—A. Yes, sir; I went to the city hall just before the election.

Q. So, then, you transferred twice?—A. Yes, sir; from the city out there, and then from where I lived then to the place where I live now.

Q. What is your business?—A. I drive team.

Q. Have you got any family?—A. Yes, sir.

Q. Are there many colored people living out there?—A. Yes, sir; a good many.

52 Q. Are there any numbers on the houses?—A. We don't have no numbers out there.

Q. And it is outside of the city limits?—A. No, sir; it is inside of the limits; the limits is outside of the King's Highway.

Q. It is out in the country?—A. Yes, sir.

Q. Your neighbors voted, did they not?—A. Some of them.

Q. Some of them did?—A. And some was just like I was.

Q. But many colored men from that section that you live in voted during that day?—A. Yes, sir.

Signature waived.

53 CASPER H. DETRING, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Caspar H. Detring.

Q. Where do you live?—A. I live 2805 Grand avenue.

Q. That is in the northern part of the city?—A. Yes, sir.

Q. Up near the air grounds?—A. Yes, sir; close to the fair grounds.

Q. How long have you lived there?—A. Since June 21, 1879.

Q. How long have you lived in Saint Louis, Mr. Detring?—A. Ever since 1868—that is, 13 years ago.

Q. How old are you?—A. I am about 38 years old.

Q. How long have you lived in Saint Louis?—A. As I stated before, I have been here since 1868.

Q. How long have you lived in the United States?—A. Since 1865.

54 Q. You were born in the old country?—A. Yes, sir.

Q. Have you ever been naturalized or received your naturalization papers here?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. Yes, sir; I registered in 1868.

Q. You registered in 1868?—A. Yes, sir.

Q. Have you never been registered since then?—A. Yes, sir; I have been transferred from there; I forgot exactly the number; it is on Twenty-first and Salisbury—some place.

Q. Did you ever get a transfer to 2805 Grand avenue?—A. No, sir; could not do that; I went to the city hall to get a transfer and they said my name was off; they could not find my name, so I could not do

I went there again with my papers the very last night it was opened, but I was too late; I could not get off in time.

Q. So you could not get in to register?—A. No, sir.

Q. Why didn't you register when you were there and they told you your name was off—stricken off.—A. I could not do it; they told me I had to bring my papers first.

Q. Did you go the polls on election day?—A. Yes, sir.

Q. Did you offer to register at the polls?—A. Yes, sir; but there was no register there.

Q. No registering officer there?—A. No, sir.

Q. What polls was that?—A. Corner of Elliot and Saint Louis avenues.

Q. And they told you there was no registering officer there?—A. Yes; but I voted my —

Q. There was no register there?—A. No.

Q. How long did you stay there?—A. I didn't stay there very long afterwards—about a couple of minutes.

Q. What did they say to you about there having been a registering officer there?—A. They never told me much of anything about it.

Q. They simply told you there was none there, and you could not register there?—A. Well, I didn't try much; I went with my friends up there, and they said I could not vote. I was told I had put my name on the back of the ballot, and the supervisor would see it, which he did.

Q. What ticket did you vote?—A. I voted the straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. And the officers there simply told you that they could not receive your vote?—A. Unless I did it that way—the way I said. I put my name and residence on the ticket; that is the way I voted.

Q. And that is all that you did there on that day?—A. Yes, sir.

Q. And that is all that happened?—A. That is all.

Q. And you were in a hurry, took a ticket, wrote your name on the back of it?—A. I was not in a hurry; at the same time I had a team with me; so I called one of my friends out to give me advice how to do it, because I knew there was no register there.

Q. You knew that you were not transferred?—A. Yes, sir; I knew that.

Q. And your friend, the judge, told you that you could not vote because you had not transferred?—A. No other way unless the way did.

Q. And he told you that you had, like many Republicans and Democrats, neglected to transfer, and it was for that reason that he could not receive your ballot?—A. He never said anything about the parties at all; he said the only way that I could vote was that way.

Q. And that was your friend that told you so?—A. Yes, sir.

Q. He was a judge?—A. He was not inside; he was outside of the U.S.

Q. He was a friend of yours and a Republican?—A. I don't know; what he was I could not say.

Q. He was desirous of seeing you vote?—A. He might have been a friend; at least I think he was.

Q. He was a friend of yours, though ?—A. Yes, sir.

Q. And he wanted to see you cast your ballot if it was lawful for you to cast one ?—A. I know that he knowed something about it; I asked him whether I could vote without being transferred. He said I could in that way, but I could not vote in no other way.

Q. And you simply cast your ballot in that way, but whether any attention whatever was paid to it you could not say ?—A. He said it was "all right; you can vote that way."

Q. That was some man on the outside ?—A. Yes, sir.

Q. They said that was the only way you could do it ?—A. Yes, sir.

Q. And that the law was, that you must have obtained a transfer prior to the election ?—A. They didn't say much about it. Of course I did the best way I knowed how to transfer, but they said I could not do it, not having my papers with me.

Q. And you didn't have the time to wait ?—A. Well, I waited long enough; I waited two or three hours, and then they looked for it and they could not find my name.

Q. You didn't talk to any other people about it ?—A. They told me I was too late. It was the last day—between 8 and 9—some time around there, and the office was closed, so I could not get in.

Q. Eight or nine o'clock at night ?—A. Something around there; I could not tell exactly.

Q. And therefore you didn't get your transfer ?—A. No, sir.

By Mr. POLLARD:

Q. I want you to tell me whether, when you went to the polls on election day, you offered to register there, as well as to vote ?—A. That was not on election day.

Q. But when you went to the polls, I say, on election day ?—A. No; I don't know whether I did or not offer to register, but I told them I was not registered.

Q. Was the registering officer there when you went there at the polls ?—A. Well, they told me that there was not.

By Mr. DONOVAN:

Q. Who told you ?—A. Well, that I could not exactly say—who told me; that is the way I was told.

Q. Somebody about the polls told you ?—A. Yes, sir.

Q. Outside or inside ?—A. Outside.

Signature waived.

61 H. H. Hess, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name ?—Answer. H. H. Hess.

Q. Where do you reside ?—A. 1018 Cass avenue.

Q. Were you a clerk at one of the polls on last election day ?—A. I was, sir.

Q. What poll ?—A. No. 55.

Q. Do you know, Mr. Hess, whether at No. 55, on last election day, there were voters who presented themselves there to vote whose names had been stricken from the registration list at that poll ?—A. I do.

Q. About how many ?—A. There was a good many through the day that came there to register whose names were on the rejected list.

Q. Now, what do you mean by rejected list or stricken off ?

62 A. Stricken off by the supervisor that went around.

. What I want you to tell us is whether you had two lists there, what those lists were?—A. One was a list that was for the voters that were registered, and the other one on which the names appeared which had been stricken off by the officers. The last one I call rejected list.

- . Were there any names on that list?—A. Over one hundred.
- . How was that list made, according to your understanding?—A. It made just the same as the other one except that it was headed "Rejected." It meant they could not be found at that time.
- . That the revisers could find out their residences?—A. Yes, sir.
- . Now, you say that there were many men presenting themselves whose names were on this list?—A. Yes, sir.
- . Did they vote?—A. Not that I know of.

Q. Did they offer to vote?—A. Yes, sir; some of them did.

Q. What was done with those votes of those who offered to vote?—A. There was one man that came there so often that I remember the name; it is Larkins. They allowed him to vote, but did not count it.

. Were there any other votes received which were not counted there, according to your recollection?—A. There were some three or four, I know, of the Chronicle tickets that were not counted at that poll.

. Were there any Chronicle tickets counted at that poll?—A. I know not.

. Were any Greenback-Labor tickets counted at the poll?—A. Yes, they were counted.

All of them?—A. All of them; yes, sir.

Now, Mr. Hess, state whether or not there were many colored presented themselves there to vote that day at the polls?—A. There was some ten or twelve. There was one gentleman there that tried to get them to register him, and we did register a few, and their votes were received. Then Larkins put in his vote; it was received, but afterwards the judges would not count it.

. How many judges were there at the polls?—A. I think there was parties.

Do you know what their politics were?—A. Two of them were Republicans and two Democrats.

Do you know whose name was on the Chronicle tickets for member of Congress?—A. Mr. Sessinghaus.

Whose name was on the Greenback-Labor ticket for member of Congress?—A. I think O'Connell.

Do you know what reason the judges alleged for not receiving these Chronicle tickets at that poll?—A. I do not.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Hess, did the judges, Democratic and Republican, have a conference in regard to this Chronicle ticket?—A. Well, they had in the early part of the morning or in the afternoon. They some dispute about it; they was going to throw it off the board together.

. As a fraud upon the voters?—A. That was their decision—the Democrats at least. Mr. Holton was one of the judges.

. State what they said in regard to it.—A. Well, they said it ought to be a straight ticket like the Republican, or Democratic, or the Greenback-Labor ticket, it ought to be the same all the way through. But, being a Chronicle ticket, it had some Republican names on it and some Democratic names, it was not a legal ticket.

Q. And they all agreed to that?—A. Well, no, I don't think they came to any agreement upon it.

Q. But they came to an agreement at the close of the polls, in regard to the ticket?—A. There was very few Chronicle tickets voted; the Republicans without, had voted in that precinct a Republican 66 ticket. I think there was four or five Chronicle tickets, but they was put in the rejected envelope.

Q. But the judgment of the judges there was that this Chronicle ticket was a ticket calculated to deceive voters?—A. I don't know whether that was their judgment or not; I could not say.

Q. They acted on that though, didn't they?—It was "pro" and "con" on that question.

Q. And they discussed it throughout the day?—A. Well, part of the time.

Q. They had frequent discussions in regard to whether or not that was an honest ticket?—A. I think it was an honest ticket, but I don't know what their opinion was on it.

Q. Did they express their opinion?—A. They expressed their opinion; some was for it, others was against it.

Q. And they stated it was a base deception and a fraud?—A. I don't think that they said that.

Q. But they ultimately decided so?—A. They only decided in 67 this way; they put these tickets in a rejected envelope, having received them at the polls.

Q. All the judges, Democratic and Republican, agreed to that action; that was what was done?—A. Yes, sir.

By Mr. POLLARD:

Q. You say they took these tickets and put them in an envelope by themselves; what did they do with that envelope?—A. They took that down to the city hall.

Q. They took that to the city hall, did they?—A. Yes, sir.

Q. In the ballot-box?—A. Yes, sir.

Q. About how many men presented themselves at that poll that day whose names were on that rejected list as near as you can remember?

(Mr. Donovan, counsel for contestee, objects to the question, for the reason that it is nothing that grows out of the cross-examination, and the gentleman has already plied him with frequent questions on that same subject in the direct examination.)

Question repeated by the notary.

A. About twenty.

68 By Mr. POLLARD:

Q. State whether they were mostly colored men?—A. There was some white and some colored; the only objection that I had to the election that evening, there was men there whose names appeared on the registration list, but their residence could not be found; there were some who could not get away from their business to be registered, and they didn't get there to the polls until they had closed, although old man Holton brought his three sons and had them sworn and registered afterwards.

Q. What were they, Republicans or Democrats?—A. I think they were Democrats, I am pretty sure they were.

Q. And the same courtesy was not shown to Republicans?—A. I could not say as to that part of it.

Signature waived.

MERRITT JOHNSON produced, sworn, and examined on the part of the contestant, deposeth and saith.

Direct examination by Mr. POLLARD:

Question. What is your full name?—A. Merritt Johnson.

Q. Where do you live?—A. I live on Race street.

Q. Whereabouts?—A. East of Taylor avenue, and north of the Saint Charles rock road.

Q. How long have you lived there?—A. I have been living there months.

Q. How long have you lived in Saint Louis?—A. I have been in Saint Louis ever since I been ten years old.

Q. How old are you?—A. Forty-five.

Q. You are a colored man?—A. Yes, sir.

Q. Where did you live before you moved to this place where you now living at?—A. On Florence avenue, up near Kimplesville.

Q. Did you ever register?—A. Yes, sir.

Q. How long ago?—A. I registered about three years ago at the city hall, at the time of the election of Hayes and them.

Q. Where did you live at then?—A. I lived then in the corporation of the city; out in the country.

Q. Inside of the limits of the city, but really in the country?—A. s, sir.

Q. Since you have lived out on Race street, did you get a transfer at the city hall?—A. Yes, sir; I got a transfer from Florence avenue to where I am living now.

Q. Since you live where you do now?—A. Yes, sir.

Q. When did you do that?—A. I done that a week before the election.

Q. Before this last election?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. In Elleardsville.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. They couldn't find my name there.

Q. What ticket did you offer to vote there, Mr. Johnson?—A. Republican ticket.

Q. Straight Republican ticket?—A. Yes, sir.

Q. And it was refused because they couldn't find your name there?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You simply offered to vote?—A. Yes, sir; I simply offered to vote. That is all that you did there?—A. Yes, sir; no, that aint all I did there; I went there to register at the same time when I said that my name wasn't there; but they wouldn't register me.

Q. Why?—A. They said it was, they told me officially it was against the rules of the law office.

Q. Why was it against the rules?—A. Why it was against the rules I don't know, sir; but they said they wouldn't register me there; they sent me over to another poll, in another precinct; they said may be my name was over there. I went down there, but my name was not there; then I come to the city hall with some man to see out the transfer.

Q. Then you didn't obtain a transfer?—A. Yes, sir; I wanted to obtain it, but they wouldn't give it.

Q. They wouldn't give it; then you didn't obtain it?—A. No, sir.

Q. So you were without a transfer on election day?—A. Yes, sir.

Q. And you told the judges about your removal?—A. Yes, sir.

Q. And they then informed you that they had no power to receive your ballot?—A. Yes, sir.

74 By Mr. POLLARD:

Q. You say you were at the city hall a little before last election day?—A. Yes, sir; I went there a week before.

Q. Did you tell them at the city hall that you had moved since you last transferred?—A. Yes, sir.

Q. Did you tell them to what place?—A. I told them exactly where I lived; one of them said it was all right; all correct.

Q. They told you it was all right?—A. Yes, sir.

By Mr. DONOVAN:

Q. How far were your two places of residence apart?—A. It was from Florence avenue, that is where I lived before, down to Race street there; I suppose it was half a mile I reckon.

75 Q. It was in a different polling precinct?—A. It was in the Twenty-eighth ward; I don't know in what district; it was in the same precinct.

Q. It was in the same precinct, although you believe that the place that you removed from was a half mile away?—A. Yes, sir.

Q. That is the best judgment you can form about it?—A. That is the best judgment I can form about it as to the distance it is apart.

Q. Now, don't you know how many voting precincts intervene between the place that you last lived at, and the place to which you moved?—A. There was no voting precinct between me and where I was voting.

Q. Do you know what polling precinct your last place of residence was in?—A. That is up at Kinkle's.

Q. So the place that you moved from was in Kinklesville; the ~~same~~ is the polling precinct, is it?—A. Yes, sir.

Q. And the polling precinct of the place where you moved to was in Elleardsville?—A. Yes, sir.

Q. Well, they were different polling precincts?—A. Yes, sir.

Q. And you had obtained no transfer?—A. No, sir.

By Mr. POLLARD:

Q. Where did you live when your polling precinct was in Kinklesville?—A. I lived on Florence avenue about—within two blocks of Kinkles'; that is, towards Saint Louis, and north of the Saint Charles rock road about a block.

77 Q. Now, after that did you move more than once?—A. No, sir; but once.

From that place you moved to the place where you now live?—
place I moved to the place where I now live.

Q. Is that in Elleardsville?—A. Yes, sir.

Q. Mr. Edwards, how long have you lived there?—A. I lived there two years, sir.

Q. In this same place?—A. On Goode avenue, Elleardsville, sir.

Q. How long have you lived in Saint Louis?—A. I have lived in Saint Louis about fifteen years, sir.

Q. You are a colored man, sir?—A. Yes, sir.

Q. How old are you?—A. I am, sir, forty-five years old.

Q. Did you ever register at the city hall?—A. Yes, sir.

Q. When?—A. I registered there about four years ago.

Q. Did you get a transfer?—A. I got a transfer from 1404 Morgan street to Elleardsville, sir; that was before this last election was held.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. What polls?—A. To the Twenty-eighth ward.

Q. Whereabouts was that?—A. On the Saint Charles rock road, between Belleglade avenue—near Belleglade avenue.

Q. Did you vote?—A. No, sir; my name was struck off the register list.

Q. And they didn't receive your vote?—A. They received it; they received it under protest, I think.

Q. What ticket did you vote?—A. The Republican ticket, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. How far is 1404 Morgan street from your present residence?—A. Well, sir, I suppose I would claim it to be about four miles, or three and a half miles; somewhere along there.

Q. Are you a married man?—A. Yes, sir.

Q. Did you move around in Elleardsville from one place to another?—A. No, sir.

Q. You have been living there continuously?—A. Two years, sir.

Q. In the front or rear?—A. I live in the front, sir.

Q. How many colored men live out there?—A. Well, now, sir, no one but myself and family in the same house. And there is another man lives next door, a colored man.

Q. There are a number of colored men living out there in that part of the country?—A. Yes, sir; a great many.

Q. And did the other man vote?—A. I couldn't say, sir; he didn't tell me. I was anxious only about myself; I didn't see him at the

Q. Did you speak with him?—A. With who, sir.

Q. With your neighbor?—A. I have spoken to him several times, but not about this thing particularly.

Q. Did he tell you then or since that he voted?—A. No, sir.

Q. Did you have any conversation with him about his having voted?—A. No, sir; I didn't talk with him at all; he comes by on Goode avenue, but I don't speak to him much.

Q. You don't know that he voted?—A. No, sir; I do not.

Q. Our idea is that he did?—A. I believe he did.

Q. Now, when you went to vote what did the judges say to you?—A. He looked at the register list and said they couldn't find my

Q. What did you say to them?—A. I told them that I had to have a

Q. I had got a transfer from the register office; that was just a week after the registration office was opened.

Q. How long ago was that?—A. Well, I couldn't tell you the date exactly when the register office was opened, but I am under the impression, or rather I knew that everybody that moved had to

get a transfer to the place where they were living at the time of the election.

Q. That was a matter of general knowledge in this community?—A. Yes, sir.

Q. That was well known even among the colored men?—A. I am under the impression that it was known by all men, that if you move from one place to another you have to get your place transferred to where you were living.

Q. They had to go to the city hall and get transferred; they had to do that according to law; where they had been registered before it was their duty to transfer at the city hall?—A. I know that. I can't say that everybody else knew that.

Q. Well, it was a matter of general rumor, general knowledge?—A.

Yes, sir.

84 Q. How, Mr. Edwards, do you account for your name not being on the list at the polling precinct if you obtained a transfer?—A. I couldn't exactly say, sir, the reason why it was not there; knew I got a transfer, and I got it in time. I knew that I had transferred, and I told that to the judge, and he said that that wouldn't do good, so I voted under a protest; they said that would answer the same.

Q. Did you see anybody else on that election day that had transferred that voted?—A. I don't know whether they was transferred or not, sir. Some men around the polls they kept talking about registering and transferring, and several men they was talking about the names having been stricken off.

85 Q. Did you get a ticket when you transferred?—A. Yes, sir. I had that ticket on election day.

Q. Have you got it now?—A. No, sir; I gave it to the judges, they took it.

Q. Do you know whether you applied to the proper polling precinct?—A. Yes, sir; I voted, or rather I intended to vote at the right place.

Q. That is, you thought it was the right place, of course.—A. Well, the reason I believe it was the right place was because a man who lived in the same neighborhood that I did voted at that place there.

Q. But you don't know whether the line run through down at the polling precinct?—A. No, sir; I don't know exactly.

Q. And your name had been stricken off that precinct?—A. 86 Yes, sir; but I think that was the right place for me to vote, because a man living right opposite me voted there.

Q. Sometimes the line dividing the polling precincts runs down the middle of the street, don't you know that as a matter of fact?—A. It might be so, too, sir.

Q. So while it was right for the man living across the street to vote at that polling precinct, it may not have been proper for you to do so?—A. That may have been so, sir; but I was instructed by men on Goode avenue that that was the right place.

Q. That was the only poll that you went to?—A. Yes, sir.

Signature waived.

87 JOHN COUSINS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name, sir?—Answer. John Cousins.

Q. Where do you live?—A. I live on Thirteenth street between Wash and Carr, 1017 is my number, North Thirteenth.

Q. How long have you lived there?—A. I have lived there between seven and eight years; I lived about seven years there, something like that.

Q. Have you ever registered since you lived there?—A. Yes, sir.

Q. You are a colored man?—A. Yes, sir.

Q. How old are you?—A. I am about forty-two.

Q. And have lived in this city how long?—A. I guess about twenty-one years; that is, I am not steady here that time, but I have been here twelve years regularly, I am generally a river man or rather have been such.

Q. Did you go to the polls on last election day to vote?—A. I did, sir.

Q. Did they find your name on the registration book?—A. They didn't find my name, they looked.

Q. Notwithstanding the fact that you had registered since you lived 1017 North Thirteenth?—A. Yes, sir. Yes, sir; I had registered there.

Q. Did you offer to vote?—A. I offered my vote to the judges, and they told me that they couldn't find my name.

Q. What ticket did you offer to vote?—A. Republican.

Q. Straight?—A. Straight.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. That is all that you did there; that is, offer to vote?—A. Yes, sir.

Q. And they told you your name was not on the list, and you walked away?—A. No, sir; I didn't walk away, but I learned from the officer the polls there; he told me there was something wrong. They asked if I had registered, I told them certainly I had, so I went to the registration office. I asked at the registration office. I says, "Is it necessary for me now to have a card to show that I have been registered," he says, "No, it is all right, it is all correct."

What was all correct?—A. In the register office.

Down at the city hall?—A. Yes, sir; down at the city hall.

Did you live front or rear?—A. I lived, sir, in the rear.

When you registered you gave your number as 1017 North Thirteenth?—A. Yes, sir; in the rear.

Did you say in the rear?—A. Yes, sir; in the rear.

Didn't you just simply say 1017 North Thirteenth?—A. No, sir; rear.

Have you ever seen the book?—A. No, sir.

You don't know how it appears there?—A. Just as I told him, I suppose; he put it down at the time.

Q. You think that some eight years ago you told them that?—

A. I don't think anything about it, that has nothing to do with us three weeks ago that I went there and told them.

Now, don't you know that you didn't register three weeks before election?—A. I do.

Don't you know that if you registered up there there was no need for you to re-register?—A. I will explain to you how it was; it was this last election was; the polls was then on the north side street, and I went there to inquire, "Is my name there," and I didn't find my name, and I couldn't vote. Hayes was elected. I couldn't find my name; so I was going to see that last election wasn't the same way; and yet the

it was the very same way. When I went back there they told me to wait, and I waited awhile for a registering man; they said there must be some mistake there; I asked him distinctly, now I wants to register, that there was some mistake before; now, I don't want that to happen again, that once before I registered and there was a mistake, but now there shall be no mistake. Some three or four white gentlemen there were writing on the table, and I asked them if I couldn't vote there, they was there handling the papers.

Q. Don't you know that if you had ever registered that the name was there on the list?—A. I don't know about that, I didn't look at 93 it, I didn't search the list; he put it down; he swore me to it, he seemed to put it down.

Q. It went down on the list?—A. Yes, sir.

Q. And you were a registered voter?—A. Yes, sir.

Q. Now, why couldn't he find your name when you went back there?—A. I don't know, sir.

Q. It being on the list?—A. I couldn't go back there; I only went to the polls.

Q. You only went to the polls?—A. Yes, sir; to vote. I didn't go back to the city hall; they told me that I would have to go back.

Q. How long before the election day?—A. On election day, of course.

Q. What did they tell you when you went to vote?—A. They said they couldn't find my name on the list, and they said I had to go up there and get it corrected.

Q. I understood you to say that you went to the city hall about three weeks before the election and registered.—A. I went there to register of course, my vote was understood.

Q. How many times was your name voted on, on that election day?—A. None, that I know of.

Q. Since you registered two or three times your name must have been there, two or three times on the list.—A. I never registered two or three times; I said I registered once the first time, and then was transferred before this last election; I didn't went there again.

Q. Why was your name refused the first time?—A. I don't know why it was; that was the trouble.

95 Q. When was that?—A. When Hayes and Wheeler was running.

Q. Then you never had been registered previous to that election?—A. Yes; I had been registered.

Q. How do you reconcile the statement that they refused to register you when you were registered?—A. They refused me to vote.

Q. We are talking about the city hall, what you did at the city hall. I understood you to say that they refused to register you there.—A. I never was at the city hall except that once when I went there to register.

Q. Only once?—A. Only the times I went there.

Q. How many times?—A. Twice.

96 Q. You registered both times?—A. Yes, sir; at least they said it was all correct; I suppose the men there knew what they were doing; they swore me, and told me it was all right. They did probably put my name down; he had the information there though; all the time it has been there.

Q. You think it was taken down the second time, but it might have been a mistake for all that?—A. Yes, sir.

Q. Your name was not on the polling list, and you just offered to vote, and they refused to receive your vote?—A. Yes, sir.

By Mr. POLLARD:

Q. What polling precinct was that?—A. I think on Carr street between Fourteenth and Fifteenth, on the south side; that was my poll at that time.

Q. Is there any other man named John Cousins living at 1017
97 North Thirteenth?—A. No, sir; no other man of that name at all.

Q. Anybody else living in that house but yourself?—A. No, sir; there is a man lives upstairs named Mitchell.

Q. That all that live there?—A. That is all that live there, these two colored men living there.

Q. Any white men?—A. There is a white man lives in the yard.

Q. What is his name?—A. I think his name is Mr. Moore; his other name I can't exactly call now, and then there is Mr. Kelley, a German fellow.

Signature waived.

98 HENRY FISSMAN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Henry Fissman.

Q. Where do you live?—A. 2110 North Fourteenth.

Q. How long have you lived there?—A. I have lived there a little over two years.

Q. How long have you lived in the city?—A. Nine years.

Q. How old are you?—A. Thirty-one.

Q. Were you born in the United States?—A. No, sir; I was born in Europe.

99 Q. How long have you lived in the United States?—A. Between fourteen and fifteen years.

Q. You came here before you were twenty-one years of age?—A. Yes, sir.

Q. Did you register at the city hall at any time?—A. Yes, sir; I registered before the last Presidential election.

Q. When Hayes was elected?—A. Yes, sir.

Q. And you haven't been registered since?—A. No, sir.

Q. Did you get a transfer at the city hall to your present place of residence, since you moved there?—A. Yes, sir.

Q. When did you do that?—A. Three or four days before the last election.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. What polls?—A. Right across the street from me, on Fourteenth street, between Madison and Exchange.

Q. Did you vote on election day?—A. I did, sir.

Q. What ticket did you vote?—A. Republican ticket.

Q. Did they put your ballot in the ballot-box?—A. I couldn't tell sure. When I came there they couldn't find my name on the list, so the judges called me inside of the office, and I took my oath that I lived there two years, and they let me vote. If they put my ticket in the box that I couldn't swear to—where he put the ticket.

Q. You don't know what he did with it?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

101 Q. You don't know whether it went into the ballot-box or not?—A. No, sir.

Q. Where were you living when you registered before?—A. Twenty-first and University streets.

Q. How far was that from your place of residence?—A. Say about a mile.

Q. When did you move?—A. It was in November, last November two years ago.

Q. Did you go there to the city hall to notify them of your removal?—A. No, sir; I only went to the city hall three or four days before the last election.

Q. Who did you see then?—A. I don't know the man by name; there was several of them around there.

Q. What did he say to you?—A. He took my name and carried it over there.

Q. Is that all?—A. He says that is all right. I seen him put 102 down my name.

Q. You saw three or four men, and you saw those men put down your name there; and those men said it was all right?—A. Yes, sir.

Q. Now, you went to a polling precinct on election day?—A. Yes, sir.

Q. Did you go to more than one?—A. No, sir.

Q. Are you sure that you went to the right one?—A. Yes, sir.

Q. Who said so?—A. Well, they told me at the polls. That poll run from Thirteenth to Sixteenth.

Q. You were on the opposite side of Chambers?—A. On Fourteenth street is where I live, sir; from Thirteenth to Sixteenth the precinct runs and from Chambers to North Market, or something like that.

103 Q. You don't know the number of the precinct?—A. No, sir.

Q. What is your business?—A. Teamster.

Q. For whom?—A. For E. O. Stanard, Eagle Mills.

Q. You are in the flour business?—A. Yes, sir.

Q. Are you a married man?—A. Yes, sir.

Q. You live with your family?—A. Yes, sir.

Q. You say that you got a transfer; did you get a ticket?—A. N—o, sir; they didn't give me any.

Q. Why didn't you get a ticket?—A. I don't know.

Q. They were giving tickets then and there?—A. I didn't see nobody get a ticket.

Q. How many men were there when you got your transfer?—A. I couldn't hardly get in.

104 Q. Are you sure that you got up to the counter?—A. It took me two or three hours to get there.

Q. Are you sure you spoke to any clerk up there?—A. I did.

Q. Are you sure it was one of the officers in charge of the office?—A. Yes, sir.

Q. How do you account for your name not being on the poll list?—A. I don't know; I told them my name, and when I got there it was not on the list; they looked all through the books three or four times, but they couldn't find my name; so they asked me to come inside and swear where I had been living, and how long I had been living there, if it was two years; then they took my vote.

105 Q. These judges were friends of yours?—A. No, sir.

Q. They treated you nicely?—A. Yes, sir; fair and square.

By Mr. POLLARD:

Q. When you went to the city hall to get this transfer did you tell the officer to whom you applied to what place of residence you wanted the transfer to be made?—A. Yes, sir.

Q. You gave them your number, 2110 North Fourteenth?—A. Yes, sir.

Q. Did you tell him where you lived when you registered before?—
A. Yes, sir; Twenty-first and University; they had my name down and everything, and they transferred me; it didn't take them long to find my name at all.

Signature waived.

106 CHARLES JENKINS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Charles Jenkins.

Q. Where do you live?—A. With Samuel S. Cupples.

Q. Where is Samuel S. Cupples?—A. On Caroline avenue, north of the Rock road.

Q. What number?—A. No number out there, sir; Twenty-seventh ward.

Q. How long have you lived there?—A. Four years.

Q. How long have you lived in the city?—A. In the city seventeen years.

107 Q. How old are you?—A. I am now thirty-eight.

Q. And you have always lived in the United States?—A. Yes, sir.

Q. You were born in the United States?—A. Yes, sir.

Q. Did you register at the city hall?—A. Yes, sir.

Q. How long ago, about how long?—A. I registered in the time that Grant was running for President. Not the first time, but the second time; then I registered; I got transferred out to the Twenty-seventh ward; I registered out there last April; then I was campaigning out there for school director, and my name was on the list. So they sent me a postal card out to the house to inquire of me if I was still there; the

108 next thing I got a postal card that said it was all right, the matter was all right. So I went on back about my business. When I came down I found that the supervisor had struck my name off the list.

Q. Supervisor or reviser?—A. Reviser had struck it off.

Q. Is this in the Twenty-eighth ward?—A. Twenty-eighth ward. I am in the Twenty-eighth, but I did say Twenty-seventh.

Q. Now, did you get a transfer at the city hall since you moved where you now live?—A. To Cupples? Yes, sir.

Q. About how long ago?—A. It was last April, I think the first of April.

Q. Somewhere along there?—A. Yes, sir.

109 Q. You went to the polls on election day?—A. Yes, sir.

Q. Where are those polls?—A. Those polls are just this side of Goode avenue, on the Rock road.

Q. That is, then, east of Goode avenue?—A. Yes, sir; east of Goode avenue.

Q. You say you did not vote because your name was not on the list?—A. My name was on the list but it had been stricken off.

Q. It was on the stricken off list?—A. It was on the stricken list.

Q. Did you offer to vote?—A. Yes, sir; I did, sir.

Q. What ticket?—A. Republican ticket.

Q. Was your ticket received?—A. My ticket was received; there was a little hesitation about it at first; then it was taken and placed on a string.

110 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You can read and write?—A. Yes, sir.

Q. You refer to a postal card; what was that postal card?—A. The postal card was to come down immediately and pay my expenses—I forget exactly what it was—it was come down immediately, and I went down—

. Q. Who was it sent it?—A. I don't know that; I never paid much attention to it. It is right across the street; the ticket is right across the street here; I can get it for you if you want it.

Q. Where is it? Over there at the post-office?—A. In the post-office building. I can get the card for you.

Q. You mean over there in our city post-office?—A. Yes, sir.

111 Q. Down on the corner of Third and Olive?—A. Yes, sir.

Q. And who has got it there?—A. I forgot now the name of the gentleman that has got it.

Q. How does his name sound?—A. Bliss is his name; J. P. Bliss, or something of that kind.

Q. W. H. Bliss?—A. I don't know what his name is.

Q. How did you come to give him the card?—A. I had taken it down there, to give it to him.

Q. How did you come to give him the card?—A. To show the way we got stricken off from the list; that is why I give it to him for.

Q. Now, can you tell us whose name was signed to that postal card?—A. I cannot.

112 Q. Was it an officer at the city hall?—A. I couldn't tell you.

Q. Or was it a Republican agent?—A. I do not know them even.

Q. What did it tell you to do?—A. They told me to come down to the city hall immediately, that there was something wrong about my registration there, and I went down there.

Q. At the request of the counsel for the contestant, I now ask of the witness when it was that he received this postal card?—A. It was about fifteen days before the election that I received this card, sir.

Q. Was it written or printed?—A. It was written in ink.

Q. And you don't know what was on it?—A. I don't know all that was on it. I disremember all that was on it at this time; I know it said to come down immediately to the city hall.

Q. And rectify your registration?—A. It didn't say rectify, but it said come down and pay attention—

Q. Correct your registration?—A. Well, correct then.

Q. There was some trouble about it there on the book?—A. They wanted to find out if I still remained at the place where I was living; I suppose that was what it was for.

Q. Was it signed by one of the revisers?—A. I don't know.

Q. Do you know who was the reviser from your ward?—A. I don't know, sir.

Q. Didn't he send postal cards around to different people?—A. He may have sent them around for all I know; there was five come to our place there.

114 Q. He took a good deal of trouble to see about a correct registration in that part of the city?—A. I don't know anything about that.

Q. If he took the trouble to write postal cards to people in your precinct he evidently endeavored to do his work faithfully?—A. No, sir; he told me when I went down to the city hall that there was ten

fifteen different people to be stricken off, and they didn't know them all. There was so many of them.

Q. Now, are you sure that you went to the right poll on election day?—A. I am sure.

Q. Can you give us the boundary lines of your precinct?—A. I can't, sir.

Q. Why are you sure then that your polling precinct was not 115 in a different place?—A. I know it was there; when I was running there for school director it was there.

Q. You don't know whether it was or not?—A. It was there, when it was stricken off the list it was still there.

Q. You don't know what changes have been made since in the poll books?—A. I don't know anything about it, sir; Mr. Snow, one of the two judges, I suppose he was one of the judges, he was inside, he wanted to take my vote because he lives out near Cupples's there.

Q. How far away from Mr. Cupples is Mr. Snow?—A. He lives about a hundred or a hundred and fifty yards this side of Mr. Cupples.

Q. Well, your name was not on the list?—A. It was on the 116 list, but it was on the stricken list.

Q. And you told the judges that you had been previously registered?—A. Yes, sir; registered. They knewed it.

Q. What did you say in regard to the transfer?—A. In regard to the transfer, at that time they didn't say anything to me because I had voted there before, and when I went there the second time to vote my name was stricken.

Q. What did you say to them about your transfer?—A. I told them that I had lived there, and still remained in the same place. What right had they for to strike my name off?

Q. What do you do at Sam Cupples's?—A. I work.
117 Q. Work how?—A. I am kind of a steward in his house.

Q. Are you a married man?—A. I am.

Q. Does your wife live there?—A. No, sir; I have married since.

Q. You were a bachelor then at the date of the election?—A. Yes, sir; I have married in the last two months.

Q. We are talking now about election times. I asked you whether you were married or not?—A. Not at that time.

Q. And you are steward there about the house?—A. Yes, sir.

Q. Do you know whether Mr. Sam Cupples voted on that day?—A. I don't know, sir; I guess he did; he come down town.

Q. Don't you know that he did?—A. I don't know.
118 Q. You were then a servant in the house?—A. I am.

Q. Were you there when the reviser came to Cupples's?—A. I don't know that any reviser came there.

Q. But you got a letter from one of them?—A. I got a postal card.

Q. Well, in answer to that postal card, did you go down and register?—A. I didn't have to re-register; I went down there, and the clerk in there told me that, "It was all right; you don't need to re-register; your register is right here."

Q. But the reviser, in his card to you, told you that it was all wrong?—A. The reviser didn't write me that; he wrote me to come down, and when I got down they told me it was all right; yet when I went to the polls it was all wrong.

119 Q. But you inferred from that postal card that there was something wrong?—A. He told me to come down immediately and see about it; I don't know what all was on the card; I don't know what was wrong.

Signature waived.

120 CHRISTIAN HAWKINS, produced, sworn, and examined on part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Christian Hawkins.

Q. Where do you live?—A. Live on the Saint Charles Rock road between Glendale and Saint Louis avenue.

Q. How long have you lived there?—A. I have been there eleven months; I will be there a year the twenty-third of next month.

Q. How long have you lived in Saint Louis?—A. I have been living in town ever since 1862; nineteen years.

121 Q. How old are you?—A. Forty-four years old the two day of April.

Q. You are a colored man?—A. Yes, sir.

Q. Born and lived in the United States?—A. Yes, sir.

Q. Lived always here?—A. Yes, sir; in Montgomery County, Missouri.

Q. Did you ever register in the city hall?—A. Yes, sir; at the Presidential election.

Q. For Hayes and Wheeler?—A. Yes, sir.

Q. You were not living at this place then?—A. No, sir; I was living on 3454 Cozzens street.

Q. Did you get a transfer from 3454 Cozzens street to the place where you are now living before this last election?—A. Yes, sir.

122 Q. You went to the city hall to get it?—A. Yes, sir.

Q. Did they give you a ticket to that effect?—A. No, sir; sir.

Q. Who did you see?—A. The clerks that were doing the writing.

Q. Did you tell him where you then lived?—A. Yes, sir.

Q. And you told him where you lived at the time that you had previously registered?—A. Yes, sir.

Q. And he took a memorandum of it?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. They wouldn't let me; they said that my name was stricken off, and showed it to me.

123 Q. You offered to vote on that day?—A. I went down to the city hall; I had my ticket—

COUNSEL. What ticket did you offer to vote?

A. Republican ticket.

Q. Straight?—A. Straight Republican ticket.

Q. Now, you went to the city hall?—A. Yes, sir; I went up there the city hall, and when I got there nobody lived where I lived.

Q. They told you at the city hall that nobody lived where you lived?—A. Yes, sir.

Q. You came back to the polls after that?—A. No, sir; I went there, but didn't vote.

Cross-examination by Mr. DONOVAN, counsel for contestants.

124 Q. That is all that you did offer to do there, to vote at the polls?—A. Yes, sir.

Q. So, when you went to the city hall they looked down their records and informed you that there was nobody living at that place?—A. Yes, sir; that is the understanding I got there. They said there was nobody there. My name was struck off.

Q. Are you a married man?—A. Yes, sir.

Q. Do you know the people living in that vicinity?—A. I do.

Q. Well, there is quite a number. Where I live there is nobody; live all by ourselves.

Q. Front or rear?—A. Front. There was a saloon in front of me, as living back of it. There was nobody occupying the place but me.

Q. Then you were in the rear?—A. I was in the rear.

Q. When you registered at the registering office from the nt Charles rock road?—A. I transferred.

Q. Well, when you transferred you gave your number as simply nt Charles rock road—this house where the saloon was?—A. Yes,

Signature waived.

CHARLES FRANGER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Charles Franger.

Q. Where you live?—A. I live 2114 North Thirteenth.

Q. How long have you lived out there?—A. I lived there now nine months.

Q. How long have you been living in the city?—A. I have lived in city about sixteen years.

Q. How old are you?—A. I am thirty-four years old.

Q. Have you ever registered at the city hall?—A. Never registered at the city hall.

Q. Did you go to the polls on election day?—A. No, sir.

Q. You did not go to the polls?—A. Yes, sir.

Q. Did you offer to register at the polls?—A. Yes, sir; I did.

Q. I mean on the last election day?—A. On the last election day.

Q. Did you register at the polls?—A. I did not.

Q. Why not?—A. They say I have to go down to the city hall and a certificate, and then they would register me.

Q. What poll did you go to?—A. North Market and Twelfth.

Q. Did you go to the city hall?—A. Yes, sir.

Q. What did you do there?—A. I asked for a certificate.

Q. Did they give it to you?—A. They did not.

Q. Did you go back to the polls?—A. I did.

Q. What did you do?—A. I told them there what they told me, and told me they couldn't register me because I hadn't been registered ore.

Q. Had you ever been registered before?—A. Yes, sir.

Q. At an election, on election day?—A. Yes, sir.

Q. You never had registered at the city hall?—A. No, sir; never registered at the city hall.

Q. Where did you live when you registered before, on election day?—I registered last on Ninth, between Brooklyn and Labaume.

Q. Did you ever get a transfer to where you live now?—A. No, sir.

Q. What ticket did you offer to vote on election day?—A. I offered to vote the Republican ticket.

Q. What did they do with your ticket?—A. They took the et. I don't know what they done with it.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. How far was your residence on Brooklyn and Labaume street from 14 North Thirteenth?—A. Well, it is about seven blocks, I guess.

Q. It is in a different polling precinct?—A. Well, it is.

Q. You informed the judges at the poll that you had removed, and then they told you in return that it was your duty to have obtained a transfer, and that you must go to the city hall and get it!—A. Yes, sir.

130 Q. And you went to get it and you didn't get it!—A. I didn't get it.

Q. Was there much of a crowd!—A. Well, no sir; there was not too big a crowd.

Q. Was there many people there!—A. Yes, sir; but I got a chance to ask a man.

Q. You went there on election day!—A. I went there on election day.

Q. There must have been a great crowd there on election day, and all seeking transfers!—A. There wasn't a great crowd; I had an opportunity to ask a man.

Q. He said he couldn't give you a transfer!—A. He said he couldn't give me a transfer; he said if I had been registered before he could give me a transfer.

Q. Did he look over the book and see whether your name was there or not!—A. He couldn't find my name on the poll books of four years before.

131 Q. You registered four years before!—A. I did, sir.

Q. He may have been mistaken in not finding your name!—A. Yes, sir.

Q. After you moved you didn't go to the city hall to notify them of the fact that you had removed!—A. No, sir.

Q. And therefore obtained no transfer!—A. No, sir.

Signature waived.

132 HENRY CUMMINS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name!—Answer. Henry Cummins.

Q. Where do you live!—A. I live 1400 North Eleventh, in the rear.

Q. How long have you lived there!—A. Nineteen years.

Q. How old are you!—A. Twenty-four.

Q. You are a colored man!—A. Yes, sir.

Q. Did you go to the city hall to register at any time!—A. I did.

Q. When!—A. Just before the election.

133 Q. This last November election!—A. Yes, sir.

Q. Some few weeks before that!—A. Yes, sir.

Q. Did you register!—A. No, sir.

Q. Why not!—A. Crowd was too great; I couldn't get up the ~~r~~ couldn't hardly even see the door; couldn't make my way through crowd.

Q. So you didn't register at the city hall!—A. No, sir.

Q. Did you go to the polls on election day!—A. Yes, sir.

Q. Where were those polls!—A. On O'Fallon street, between Te ~~ee~~ and Eleventh.

Q. Did you offer to register at the polls!—A. Yes, sir.

Q. Did you register at the polls!—A. No, sir.

134 Q. Why not!—A. Because they told me my name was not ~~ee~~ the registration at the city hall. I wasn't registered; I coul ~~ee~~ vote.

Q. Did you offer to register!—A. Yes, sir.

Q. At the polls!—A. Yes, sir.

- }. Did you go inside of the polling place where the officers were—
ges and clerks ?—A. Yes, sir.
}. Did you tell them there that you wanted to register ?—A. Yes,
}. Did they register you ?—A. No, sir.
}. Why not ?—A. Because they said that they couldn't find my name
the book; they didn't have my name there.
}. And that was the only reason they gave for refusing to register
you ?—A. Yes, sir.
Q. Did you offer to vote ?—A. Yes, sir.
Q. What ticket did you offer to vote ?—A. Republican ticket.
}. They didn't take the ticket, did they ?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- }. Did you see other people registering at that poll ?—A. Yes, sir;
en them coming out and coming in there, and voting.
}. Coming from registration ?—A. Yes, sir.
}. If they registered other people, didn't it occur to you that you
ld register as well ?—A. I don't know, sir.
}. Did you make any inquiries about it ?—A. No, sir.
}. They treated you respectfully ?—A. Yes, sir; they told me I
couldn't vote; that was all.
Q. You just offered to vote, then ?—A. Yes, sir.
Q. That is all ?—A. That is all.
}. You just offered to vote there ?—A. I just offered to vote; yes,
}. And that is all you offered to do there ?—A. I wanted to register
name.
}. Who did you ask for that; somebody inside or somebody outside ?
}. I asked the writers there; one of the writers.
}. Do you know whether you asked the registrar, or one of the
ks ?—A. I don't know.
}. You don't know who you asked ?—A. No, sir.
}. You don't know what his office was at the polls ?—A. No, sir.
Q. Now, did you ever register before at the city hall on Eleventh
and Chestnut streets ?—A. Never before.
Q. So it is just quite likely that you offered to vote there, and
y told you your name was not on the list; and, therefore, they
ldn't receive your vote; that was the fact ?—A. Whatever it was, I
t tell.
}. Well, that was the fact in the case. You just offered to vote
re, and they told you your name was not on the registration list;
, therefore, they couldn't receive your vote ?—A.. Yes, sir.

By Mr. POLLARD :

- }. You are a colored man, I believe ?—A. Yes, sir.
signature waived.

Wm. MILLER, produced, sworn, and examined on the part of
the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

- Question. What is your name ?—A. William Miller.
}. Where do you live ?—A. 1303 Exchange street.
}. How long have you lived there ?—A. I have lived there about five
rs.
}. How old are you ?—A. Twenty-three.

Q. Have you ever registered at the city hall, Mr. Miller?—A. I never registered at the city hall; but I registered at the poll last April.

Q. Were you living at this same place where you registered at the polls last April?—A. Yes, sir.

Q. Did you go to the polls this last November to vote at the Presidential election?—A. Yes, sir.

Q. Did you vote?—A. I went there to vote; but they said my name was not on the list.

Q. And, consequently you didn't vote?—A. They took my vote, and they put my name on the back of it. I don't know whether it was good or not.

Q. What ticket did you vote, Mr. Miller?—A. Straight Republican.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What is the first time you registered?—A. Last April.

140 Q. Did you move since you registered?—A. No, sir.

Q. You hadn't registered at the city hall; but you had registered at the poll at an election held in April?—A. I hadn't registered at the city hall.

Q. What is your business?—A. I work for Mr. Hart.

Q. Are you married or single?—A. I am single.

Q. How many people live in the same house, 1303 Exchange street?—A. There is two families.

Q. Do you live upstairs, or down-stairs?—A. Upstairs.

Q. Were you there when the reviser came?

WITNESS. Which is the reviser?

COUNSEL. He is an officer whose duty it is to go around through the ward and ascertain whether voters live where they claim to live.

A. Yes, sir; I was there.

141 Q. Did you talk to him?—A. No, sir; I didn't speak to him.

Q. Why didn't you speak to him?—A. That is the man that asked me to come here.

Q. Who is the man that asked you to come here?—A. The man that brought this subpoena.

Q. Was he the reviser?—A. I don't know who he is.

Q. What did he say to you?—A. He didn't say anything, but tell me to come here.

Q. How long were you talking to him?—A. About five minutes.

Q. What did he say during that five minutes?—A. He didn't say very much; didn't say anything at all; just go down and be here in time.

142 Q. You were talking to him five minutes and he didn't say a word thing?—A. I told him that I would be here, that is what I said to him.

Q. What did he say to you?—A. He didn't say anything after that.

Q. You talked with him five minutes to tell him that you would come down here?—A. Yes, sir—about.

Q. Do you know who the man was?—A. No, sir; I do not.

Q. Did you ever see him before?—A. No, sir.

Q. Have you ever seen him since?—A. No, sir.

Q. You can't give his name?—A. No, sir.

Q. Didn't he tell you what you were wanted for?—A. No, sir; he never told me anything.

Q. He must have said something in five minutes' conversation.

143 —A. That is all he said; he just told me to be here, and I told him I would.

Q. Had you ever spoken to anybody about your attempt to vote at the polls?—A. No, sir.

Q. Never to him or anybody else?—A. No, sir.

Q. Never informed any of these lawyers here?—A. No, sir.

Q. Nor Mr. Sessinghaus?—A. No, sir.

Q. Nor any agent of his?—A. No, sir.

Q. Or officer?—A. No, sir.

Q. Do you know how it come, then, that you should be subpoenaed in this cause if you hadn't spoken to anybody about what you are testifying to?—A. No, sir.

Q. But you must have spoken to somebody?—A. No, sir.

14 Q. Well, you are a bachelor and live upstairs at 1303 Exchange street?—A. Yes, sir.

Signature waived.

15 GEORGE A. MYERS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. George A. Myers.

Q. Where do you live?—A. 812 Benton street.

Q. How long have you lived there?—A. Over a year; I don't know exactly how much over a year.

Q. How long have you lived in the city?—A. About eighteen years.

Q. How old are you?—A. Thirty-five.

Q. Have you ever registered at the city hall?—A. Yes, sir.

16 Q. When?—A. I think about two years ago; two and a half years was the last time I registered; or three years ago, I think was.

Q. Did you get a transfer to 812 Benton street?—A. No, sir.

Q. You didn't go to the city hall for that purpose?—A. No, sir; I had no time.

Q. Where were you living when you registered last?—A. 908 Mound street, I think, is where I registered from; I am not positive about that.

Q. Is that in the same polling precinct that 812 Benton is in?—A. No, sir.

Q. Did you go to the polls to vote, last election day?—A. Yes, sir.

Q. Did you offer to register there at the polls?—A. Yes, sir.

17 Q. Did they register you?—A. Yes, sir; I went inside, and the gentleman registered me in the back part of the office.

Q. Did you vote?—A. I handed my vote to him.

Q. Inside?—A. Yes, sir.

Q. What did he do with it?—A. He gave it to another gentleman here, and he put it in his pocket.

Q. The supervisor?—A. Yes, sir.

Q. What ticket did you vote that day?—A. The Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. How far is 908 Mound street from 812 Benton street?—A. It is about ten or twelve squares.

Q. It is in a totally different voting precinct?—A. Yes, sir.

18 Q. Why did you neglect to obtain a transfer at the city hall when you had been previously registered?—A. I didn't have time; my business was such that I could not get down town.

Q. Were you not informed by the judges at the poll, or the clerks,

that it was not within their power, under the law, to transfer anybody on election day who had been previously registered from a different polling precinct?—A. I don't know, sir.

Q. What was the conversation between you and the judges?—A. I simply asked them if I could vote; I told them that I had not been transferred, and they told me to come in, and I asked them to register me, and they referred me to a man inside, so I went inside.

149 Q. They said nothing about a transfer?—A. No, sir.

Q. Of course you knew, as a citizen, that it was proper when you moved your place of residence to obtain a transfer?—A. I knew if I had time I should have done it.

Q. And you didn't have time, and didn't do it?—A. No, sir.

Signature waived.

150 H. F. MEYER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. H. F. Meyer.

Q. Where do you live?—A. Southeast corner of Thirteenth and Chambers, or 1226 Chambers street.

Q. How long have you lived there?—A. About two years.

Q. How long have you lived in Saint Louis?—A. Between twelve and thirteen years.

Q. How old are you?—A. I am twenty-eight.

Q. Have you ever registered at the city hall, Mr. Meyer?—A. I have, sir.

151 Q. How long ago?—A. About four—between four and five years.

Q. Did you get a transfer at the city hall from where you formerly lived to 1226 Chambers street?—A. No, sir; I did not.

Q. You didn't go to the city hall for that purpose?—A. I did, sir.

Q. Why didn't you get it?—A. I went there three days, and I never got a transfer.

Q. Why not?—A. Because there was too much of a crowd.

Q. Couldn't get up to the place?—A. No, sir; there was folks standing outside on the sidewalk, and there was no chance for me to get in to get a transfer.

Q. Did you go to the polls on election day?—A. I did, sir.

152 Q. What poll?—A. Twelfth and North Market; I been there three times that day.

Q. Did you register at the polls?—A. I did not, sir; they wouldn't take my register.

Q. Did you offer to register there that day?—A. Yes, sir.

Q. And they refused to register you?—A. Yes, sir.

Q. Did you vote at the polls that day?—A. They wouldn't take my vote.

Q. What ticket did you want to vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. The crowd that was at the city hall when you went there, when you wanted to get your transfer, was white and black, Democrats and Republicans—they were all there on the same mission?—A. Yes, sir; so far as I suppose.

Q. How many people had to go away, just the same as you did?—A. I saw a good many turning around again; whether they got their transfer or not I don't know.

Q. Well, there was a great crowd ; many people up there ; Democrats as well as Republicans ?—A. I suppose so, sir.

Q. Now, you never obtained a transfer after you had removed from your previous place of residence ?—A. Not before that.

Q. Where was your previous place of residence ?

WITNESS. Before ?

Q. Your place of residence from which you registered.—A. That is on Jefferson avenue and Saint Louis avenue. •

4 Q. How far is that from where you lived on election day ?—A. That is about a mile.

Q. In a totally different precinct ?—A. Not quite a mile. Altogether different precinct ; altogether a different ward ; it was at that time the Twenty-sixth, and we are now in the Sixth.

Q. Now, the judges told you they had no power under the law to transfer you on election day if you had not got a transfer prior to that day ?—A. They told me to go down to the city hall and obtain a transfer. They wouldn't give me a transfer down at the city hall on election day.

Q. Were there many people there when you went there ?—A. A good many.

Q. Did you get up to the counter ?—A. I did.

5 Q. They told you it was your duty to notify them of the fact of your removal ?—A. Yes, sir ; they told me I ought to have come sooner ; then I told them that I had been there three days before that, and after that I spent another half day ; they told me I should have come sooner ; that is the satisfaction they gave me.

Q. They told that to everybody that was in the same situation, did they or did they not ?—A. I don't know ; of course I don't know anything about that, whether they told it to anybody else besides me ; that is what they told me.

Q. You conversed with the clerk about it ?—A. I did.

Q. You are a white man and an intelligent man and they 6 treated you respectfully ?—A. Oh, yes ; as far as that is concerned, they didn't treat me very respectfully, though. I thought it was no more than right to give me my transfer. I spent my time—three times to go to the poll and they sent me to the city hall to get my transfer, and then I didn't vote.

Q. What time did you go to the city hall ?—A. In the afternoon.

Q. What hour ?—A. I don't know exactly, but it was around between three and four ; there was five men besides me went down ; in two buggies, three in each buggy, and neither one of us got our transfer. This gentleman that was in the chair a little while ago he didn't get his transfer ; the judges told him the same thing.

7 Q. The judges told him it was necessary to have the transfer ?

—A. The judges at the polls did.

Q. Then he didn't get it ?—A. No, sir.

Signature waived.

8 CHARLES A. PRICE, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD:

Question. What is your name ?—Answer. Charles A. Price.

Q. Where do you live, Mr. Price ?—A. 3719 North Fifteenth street.

Q. How long have you lived there ?—A. Very near two (2) years w.

Q. How long have you lived in the city, Mr. Price?—A. I was born in the city.

Q. How old are you?—A. Thirty-two, going on thirty-three.

Q. Have you ever registered at the city hall?—A. Not at the city hall; no, sir.

Q. Never did?—A. No, sir.

Q. You were registered at the polls heretofore?—A. Yes, sir.

Q. When?—A. In the year 1868, I think it was.

159 Q. That will be twelve years ago?—A. Yes, sir.

Q. Where did you live, then, at the time you registered?—I then boarded down on Broadway.

Q. Did you ever get a transfer from the city hall?—A. No, sir.

Q. You never went to the city hall?—A. No, sir.

Q. For registration or transfer?—A. I went to the city hall at one time to have my place of residence changed. I went there in company with two other gentlemen, and one of these gentlemen stopped with me at the time when I had my registration made. When I went to the polls they told me that I couldn't vote at the same number; that I had to go to another precinct; that I didn't live in the same place 160 any more. As a consequence the judges would not receive my vote. They said that were my name on the list they would accept it.

Q. They said this last election, did they?—A. No, sir; that was previous to that. Then they gave me a written statement of the facts. So I went with that to the other precinct and voted there under protest.

Q. Did you go to the polls on this last election day?—A. Yes, sir; I did.

Q. Where were those polls, Mr. Price?—A. On Bremen avenue, between Fourteenth and Fifteenth streets.

Q. Well, did you register at the polls this last time?—A. I asked whether my name was there. They said "No, sir." I asked them if I could register there. They asked me if I had registered in the 161 city before. They said they could not register me then. I told them the circumstances. They told me if I brought two reliable witnesses they would accept my vote. I asked them if I would then be allowed to vote. They said "Yes, sir." Whereupon I brought two witnesses, and I voted.

Q. What ticket did you vote?—A. I voted the Democratic ticket, with some exceptions.

Q. Did you vote for Mr. Sessinghaus?—A. Yes, sir.

Q. Whether they counted your vote you don't know?—A. I don't know; no, sir.

Q. How far from 3719 North Fifteenth was it where you got this last transfer or when you registered last?—A. One block.

Q. Just one block?—A. Yes, sir.

162 Q. In this same precinct?—A. Yes, sir.

Q. Where you voted this last time?—A. Yes, sir; I lived then on Fourteenth, and I now live on Fifteenth; 3719.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You don't know whether that is the same polling precinct or not?—A. I think it is; yes, sir.

Q. Do you know the lines of that polling precinct?—A. No, sir; I am not positive of that fact, sir.

Q. You can't be certain as to whether it is in the same precinct or

—A. As much as I understand that line of Fourteenth street runs along in the same preeinct.

Q. But inasmuch as you don't know the lines of the precinct you can't be certain whether it was in the same precinct or not? Well, on the time that I voted before, where I lived on Fourteenth et, I had to go to the same place; and in consequence it is in the e boundary yet.

. After you moved from Fourteenth to Fifteenth street you thought had to go again to the same precinct all the time?—A. I thought was in the same boundary line.

. But you didn't know the boundary line, did you or did you not? . I think I did.

Q. What is it?—A. I thought that was the boundary line.

Q. What is the boundary line?—A. I think the boundary line is everything west of Sixteenth, or east of Sixteenth street and t of Fourteenth, north of Salisbury, over to Bremen avenue, to that there at Krienbaum's.

. That is your best judgment on the subject?—A. Yes, sir; if I am mistaken.

. Now, you had registered and voted previously?—A. Yes, sir; I

. Now, you went to the city hall here for the purpose of notifying n of your removal, but there was too much of a crowd there?—A. , sir.

. And you didn't wait?—A. No, sir; and therefore didn't get any transfer.

Q. And because you didn't get a transfer the judges at that poll told you, as the judges said to everybody, such as were in the e situation as yourself, that inasmuch as you had registered and failed to transfer they couldn't register you or transfer you on elec-day?—A. They didn't have my name on the list.

. Simply because you had obtained no transfer?—A. Well, it wasn't ny other precinct, as I can prove.

. How many polls did you go to that day?—A. I went to four.

Q. Why did you go to four if you knew your proper precinet?

—A. Well, because there had been a mistake before; as I stated in the first commencement of my testimony, I thought probably name would be at some other poll; but it was not; that was the ; that was the object of my visit to the other polls.

. So you knew your proper polling place, but yet, notwithstanding, endeavored to vote at three or four other places that were not in r polling district?—A. I did not, sir.

. What did you do?—A. I have just now stated.

. You have just now stated that you went to four different polling places?—A. Yes, sir.

Q. What did you do there; offer your ballot?—A. No, sir.

Q. Did you get into the line of voters?—A. I went there and ed whether my name was on the polling list.

. And you found out that it was not at any place that you visited ?

. Yes, sir; I went to my regular voting precinet in the first place, there I did not find my name; and, as a consequence, I went to others to see if I could find it at any other place.

. You found your name stricken off at the first place that you went —A. Yes, sir.

. And you told the judges that you had registered before that, but failed to obtain a transfer?—A. Yes, sir.
signature waived.

168 HERMANN LAMMERS, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD :

Question. What is your name ?—Answer. Hermann Lammers.

Q. Where do you live ?—A. Harris avenue and 4th street.

Q. On the corner ?—A. Right in the middle of the block.

Q. Which is it on, 4th street or Harris ?—A. On Harris avenue; there is no number there.

Q. Then it is on Harris avenue near 4th ?—A. Yes, sir; on Harris avenue near 4th.

Q. On which side of 4th, near the river or from the river ?—A. It is from the river on the west side.

Q. How long have you lived there, Mr. Lammers ?—A. Six years.

169 Q. How old are you ?—A. 34 years.

Q. How long have you lived in Saint Louis ?—A. Going on 17 years.

Q. Have you ever registered at the city hall, Mr. Lammers ?—A. No, sir.

Q. You never have registered at city hall ?—A. No, sir.

I got a registration about six years ago. It was not at the polls.

Q. Was it at the city hall ?—A. No, sir.

Q. You voted about six years ago ?—A. I voted all the time.

Q. Where were you living when you registered at that time ?—A. I was living in the same place.

170 Q. Where you are now living ?—A. Where I am now living.

Q. Did you go to the polls on last election day ?—A. I did, sir.

Q. Where were the polls ?—A. On Bellefontaine road, between Hall and Talcott avenues.

Q. Did you vote this last time ?—A. I did vote under protest.

Q. Was your name on the list ?—A. It was on the list, but the name of the place was not right.

Q. The name of the place was not right ?—A. No, sir; my name was on O'Fallon avenue in place of Harrison avenue.

Q. I understood you to say that you lived on Harris avenue, now you say Harrison ?—A. Harris, I mean.

171 Q. So, then, your name was there all right, but your residence was wrong ?—A. Yes, my residence was wrong, and was registered at the same place, and I was living in the same place all the time.

Q. Well, what ticket did you vote ?—A. The Republican ticket right straight through.

Q. Do you know what they did with your ballot ?—A. They put it on the desk.

Q. Did you put your name on this ticket ?—A. Yes, sir; I did put my name on the back side.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. A name similar to yours was on the registration list at the poll, but it was from O'Fallon avenue ?—A. Yes, sir.

172 Q. The registration sheets had that name as living on O'Fallon avenue ?—A. Yes, sir; O'Fallon avenue.

Q. How far is that from Harris avenue ?—A. Just exactly two blocks I think not any more.

Q. Do you know a gentleman of that name, Hermann Lammers, living on O'Fallon avenue?—A. No, sir.

Q. You don't know him?—A. No, sir.

Q. Have you ever lived on O'Fallon avenue?—A. No, sir.

Q. Well, now; in case there is not a gentleman of that name living on O'Fallon avenue, how do you account for that name appearing upon the books?—A. I don't know, sir.

3 Q. Did you tell them when you went to the city hall that you lived on O'Fallon avenue?—A. No, sir; I didn't.

Q. Well, if you were a proper party to be registered, how could they tell O'Fallon avenue, since you told them it was Harris avenue?—A. I don't know, sir; I voted all the time; but this time they objected to me; I voted last Presidential election, and they never said anything; I went there this time, and they objected to me voting.

Q. And was your name then on the list, that is from O'Fallon avenue?—A. Nobody said anything.

Q. Do you know whether or not your name didn't appear on the list residing on O'Fallon avenue?—A. I don't know, sir, whether it was or not.

4 Q. Well, you stated your residence as being Harris avenue, near Fourth, and the judges informed you that there was no person of your name and that residence on that list?—A. No, sir.

Q. But there was a name of that kind registered from O'Fallon avenue, and you said you were not the man?—A. No, sir.

Q. And your vote was not taken?—A. No, sir.

Q. And you never obtained a transfer at the city hall?—A. No, sir.

Signature waived.

5 LAMBERT THOMAS, produced, sworn, and examined on the part of the contestant:

By Mr. POLLARD:

Question. What is your name; Thomas, your full name?—Answer. Lambert Thomas.

Q. Where do you live?—A. 2014 North Ninth.

Q. How long have you lived there?—A. I have been there about nine months now.

Q. Where did you live before you went there?—A. 2013 Broadway.

Q. How long have you lived in the city?—A. I have been in the city of Saint Louis now about sixteen years.

Q. You are a colored man?—A. Yes, sir.

Q. Born in the United States?—A. Yes, sir.

Q. Always lived in the United States?—A. Yes, sir.

6 Q. Did you ever register at the city hall?—A. Yes, sir; I went to be registered there and get a transfer from 2013 Broadway to 2014 North Ninth.

Q. Did you get a transfer?—A. Yes, sir.

Q. Did you get a transfer at the city hall?—A. Yes, sir; they put my name down, but when I went to vote they wouldn't let me vote.

Q. You say that you did get a transfer at the city hall?—A. Yes,

Q. Did they give you a ticket?—A. No, sir; they transferred my name.

Q. Did you give the clerk at the city hall your residence where you resided?—A. Yes, sir; and I told him where I had lived before at 2013 Broadway; yes, sir.

177 Q. And he took all that down?—A. Yes, sir.
 Q. Did he tell you that you would be transferred all right?—
 A. Yes, sir.

Q. Then you went to the polls on election day?—A. Yes, sir.
 Q. What polls?—A. North Ninth and Exchange.
 Q. On the corner?—A. Yes, sir; right on the corner.
 Q. Did you vote on that day there?—A. No, sir; they wouldn't let me vote; they said they didn't have my name.

Q. And so you didn't vote?—A. No, sir.
 Q. Did you offer to vote?—A. Yes, sir; they sent me down to the city hall to get a transfer, and I went there and I staid all day, and they found my name from 2013 Broadway in the old book where I had got registered the first time, but they didn't transfer my name on the new books.

178 Q. Did they give you a transfer at the city hall?—A. No, sir.
 Q. Why not?—A. They said they had no right to do it, and would not give it to me.

Q. Did you go back to the polls again?—A. Yes, sir; but I couldn't get to vote.

Q. Did you offer to vote?—A. Yes, sir.
 Q. What ticket did you want to vote?—A. The Republican ticket. I never voted any other ticket in my life except the straight Republican ticket.

Q. So you didn't register your vote there?—A. No, sir.
 179 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Now, you registered from 2013 Broadway; how far is that from 2014 North Ninth?—A. I think it is about six blocks.

Q. In a different polling precinct?—A. Yes, sir.

By Mr. POLLARD:

Q. Different polling precinct, did you say, Mr. Witness?—A. Yes, sir.

By Mr. DONOVAN:

Q. And you got no transfer, did you?—A. No, sir.
 Q. Did you visit any other poll on that day?—A. No, sir; I did not.

Q. Just went to one poll?—A. Yes, sir.
 180 Q. Didn't go down to the poll in which 2013 Broadway was and voted there?—A. No, sir, I didn't; though I had a right.
 Q. Your name was not on the list there?—A. Yes, sir.
 Q. How do you know your name was on the list at the polling precinct in which 2013 Broadway was?—A. They showed me my name; my name was on the book there.

Mr. POLLARD. They showed you that at the city hall you mean?—
 A. Yes, sir.

By Mr. DONOVAN:

Q. But there was no transfer made of it?—A. No, sir.

Signature waived.

181 HENRY BUDEHORN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD;

Question. What is your name?—Answer. Henry Budehorn.

- . Where do you reside?—A. Up near O'Fallon park and Bellefontaine road.
- . I wish you would spell your name.—A. You have got it here in subpoena.
- . Can you spell it in English?—A. B-u-d-e-h-o-r-n.
- . How long have you lived at that place?—A. Well, for six years.
- . How long have you lived in Saint Louis?—A. twenty-six and a half; that much, at least.
- Q. How old are you?—A. forty-five.
- Q. You came here before you were 21?—A. Yes, sir; I was in the army three and a half years.
- . Do I understand you right, that you lived here 26 years?—A. sir.
- . Have you ever registered at the city hall at any election?—A. sir; I voted for President four times, but then I was not registered in the city hall.
- . You have never registered in the city hall?—A. No, sir.
- . Did you vote for the President four years ago?—A. President es? No, I was sick at that time; I couldn't go.
- . How long since you have voted?—A. That was long ago; that was the time Grant run two times; I voted for him two times.
- Q. Have you ever voted since you lived at the place where you now live?—A. No, sir; only this last time.
- . Did you go to the polls on election day?—A. I went there in the evening time.
- . What poll; where are those polls?—A. In the 23d ward.
- . What streets?—A. On Broadway and Bellefontaine road.
- . I wish you would tell Mr. Kraft, if you don't understand my question; he understands German, and will explain them to you. Now, us again where those polls were?—A. Lowell, in the 23d ward; allon, between Hall and Talcott.
- Q. Now, did you vote this last election?—A. Yes, sir.
- Q. Did the judges inside take your vote?—A. Yes, sir; they took my vote.
- . Do you know whether they counted it or not?—A. They took it; had my ticket; the one that I voted.
- . What ticket did you vote?—A. The Republican ticket.
- . Did you write your name on the back of it?—A. Yes, sir; I did.
- . But whether that ticket went into the ballot-box you don't know?
- . For sure; I believe; yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. It went into the ballot-box?—A. I didn't look no more then, what they done with it.
- Q. Did you vote there?—A. I voted there; certain.
- . And they put your ballot in the ballot-box?—A. Well, I didn't no more what they did with it; I went home right off.
- . You were registered before, were you not?—A. No.
- . You never have been registered before?—A. No, sir; I live all one on Broadway; I work there.
- . Then you did not register before?—A. I wanted to get registered ne polls.
- . Let me understand you Mr. Budehorn; did you or did you not register before this last election?—A. No.
- Q. You never did register then?—A. No; not before.
- Q. Did you vote before?—A. For President; but I never got stered, not for President.

Q. But how could you vote without being registered?—A. No; you don't have to be registered to vote for President.

Q. But you have to be registered to vote for constable?—A. This last time; yes.

Q. So you would have to be registered to vote for a constable, but you wouldn't have to be registered to vote for the President?—A. Not for President. I voted in those years.

Q. Now, it is a fact that you actually did vote before?—A. I voted before; yes, certainly. I registered one time, I forget the year. 187 it was on Broadway, the poll.

Q. Where were you living when you registered before?—A. I lived at that time in Lowell, on 4th street.

Q. How far from the place that you were living in on election day?—A. Well, it is nearly two blocks.

Q. Did you notify the officers at the city hall of the fact that you had removed?—A. No, sir.

Q. So you got no transfer?—A. No, sir.

By Mr. POLLARD:

Q. Was it in the same voting precinct, these two places?—A. Yes, sir.

By Mr. DONOVAN:

Q. Do you know the boundary lines of that voting precinct?—A. I couldn't tell.

Signature waived.

188 SEBASTIAN HATZ, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name, Mr. Hatz?—Answer. Sebastian Hatz.

Q. Where do you live, Mr. Hatz?—A. Third and O'Fallon avenue.

Q. On the corner?—A. On the corner of Third and O'Fallon avenue.

Q. How long have you lived there?—A. I have lived there about seven months now.

Q. How long have you lived in the city?—A. About twenty-five years.

Q. How old are you?—A. I am 36.

Q. Did you ever register at the city hall?—A. No, sir.

189 Q. You never did register there?—A. No, sir; never.

Q. Never? Did you ever vote in this city?—A. Yes, sir; ever since I was of age.

Q. Were you ever registered then?—A. Always at the polling place.

Q. Where did you live when you last registered?—A. Well, when I last registered it was before the last election day. I registered at the polls.

Q. You registered then at the polls this last election day?—A. Yes, sir; I registered at the polls this last election day.

Q. What did you do when you registered?—A. That I couldn't tell you. I held up my hand; they swore me and registered my name 190 on the book.

Q. Where were those polls?—A. They was in the same place where they was last; down there between Hall and Talcott avenue, on Bellefontaine road.

. Now, whereabouts is this O'Fallon street? Right there next to the, or away up there in the northern portion of the town?—A. It is called O'Fallon avenue there.

. Did you write your name on the ticket? Did you vote this last election?—A. Yes, sir.

. What ticket did you vote?—A. I voted the Republican ticket.

. Do you know whether it was put in the ballot box or not?—A. I could not tell.

Cross-examination by Mr. DONOVAN, counsel for contestee.

Q. You said you never were registered previous to the last election?—A. No, sir.

. But yet you say you voted?

By Mr. POLLARD:

He said he never registered at the city hall. Don't mistake the evidence.

. I was never registered at the city hall. I was never registered at the city hall. I was always registered at the poll.

By Mr. DONOVAN:

. When you registered at the poll, the time previous to the last election, where were you then living?—A. I was living on O'Fallon avenue and Third.

Q. How far was that from the place that you were living in on election day?

WITNESS. Before that?

COUNSEL. Yes.

. That is about two blocks.

. Do you know whether or not it is the same voting precinct?—A. It is what I was told, but I don't know.

. You don't know the lines?—A. I don't know the lines.

. When you moved you did not notify the officers at the city hall of the fact that you had moved?—A. No, sir.

. And, therefore, got no transfer?—A. No, sir.

Q. And that was the reason that your name did not appear on the registration list; your name was not on the polling list, that is, your name was not on the registration list at that poll?—A. Well, I understood that my name was there, but I couldn't register there.

. If you were not registered your name wouldn't be there?—A. I registered before.

. I know, but did you look at the list yourself?—A. No, sir.

. Didn't the judges tell you that your name was not there?—A. The judges told me it was there, only I was not registered.

. Well, was it stricken off?—A. I don't know.

. If your name was there it is probable that you voted, and your vote went into the ballot-box and was counted?—A. I couldn't tell whether it did or not.

Q. Well, if you had registered from a different place, and had moved and gave no notice at the city hall of the removal, your name wouldn't be there?—A. Ever since I was old enough to vote, I always registered at the same poll; always lived in Lowell.

. You always lived around about there somewhere?—A. Yes, sir.

. And never gave any notice of your removal?—A. No, sir; I didn't know whether it was necessary or not.

. But the judges told you at the poll it was necessary?—A. They told me that this last time.

195 Q. That it was necessary for you to have been registered!—
Yes, sir.

Q. Why didn't you inquire about it?—A. I didn't have no time.
Signature waived.

196 WILLIAM ROTH, produced, sworn, and examined on the part
of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. William Roth.

Q. Where do you live?—A. North Sixteenth, 3806.

Q. How long have you lived there?—A. I have lived there four years.

Q. How long have you lived in Sain' Louis?—A. About eleven years.

Q. How old are you?—A. Thirty-nine.

Q. How long have you been in the United States?—A. About fourteen years.

Q. Have you ever been naturalized—taken out your papers here?—A.
Yes, sir.

Q. Your citizen's papers?—A. Yes, sir.

197 Q. Have you ever registered at the city hall?—A. No, sir.

Q. You never did?—A. No, sir.

Q. Have you ever voted here?—A. Yes, sir, I did.

Q. Did you then register at the polls, when you voted?—A. Yes, sir.

Q. Have you ever voted since you lived at 3806 North Sixteenth?—
A. No, sir.

Q. Did you ever get a transfer at the city hall from where you lived,
when you registered, to this place?—A. No, sir; I did not.

Q. Did you go to the polls on election day?—A. Yes, sir; I went
there.

Q. This last election?—A. Yes, sir.

198 Q. Did you register at the polls on that day?—A. He asked me
if I was registered, and I told him, "Yes; about five years ago." He said, "Then we will take your vote."

Q. But did you vote?—A. Yes, sir; I voted the Republican ticket—the straight ticket.

Q. What did they do with it?—A. They put my name on the back
of it; I don't know whether they put it in the box or not.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Where were you living when you had voted last and when you
were registered at the polls?—A. I was living at Twenty-first and Bre-
men avenue.

199 Q. How far is that from 3806 North Sixteenth?—A. It was
about four blocks.

Q. Is it in the same voting precinct?—A. I believe not.

Q. You didn't register on this last election day?—A. No, sir.

Q. And never had got a transfer?—A. No, sir.

Signature waived.

200 JULIUS F. KRIEG, produced, sworn, and examined on the part
of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name?—Answer. Julius F. Krieg.

Q. Where do you live?—A. 2204 Broadway.

Q. How long have you lived there?—A. Nine years.

- Q. How old are you?—A. Twenty-three last August.
 Q. Did you ever register at the city hall?—A. No, sir.
 Q. You never did register at the city hall?—A. No, sir.
 Q. Did you ever register at the polls?—A. Yes, sir.
 Q. When?—A. I think it was two years before this last election.

01 Q. Were you living at 2204 Broadway then?—A. Yes, sir.
 Q. Did you go to the polls on last election day?—A. Yes, sir.
 Q. Where?—A. On Broadway and Warren.
 Q. You went to the polls on Broadway and Warren?—A. Yes, sir.
 Q. Did you vote?—A. I tried to vote; I tried to get registered in the first place.

Q. Did they register you?—A. No, sir.
 Q. Why not?—A. Because I told the man there I had been registered once before. He asked me if I ever had removed. I told him, "No, sir." He said, "Well, I couldn't get registered."

02 Q. Didn't you tell him that you had lived at the same place all the time?—A. Yes, sir.

Q. What did he say?—A. He didn't say anything. One of the judges there knew that I had been registered there; he told me, "That's all right;" that he will take my ticket when I went to vote; so if I could put my name on the back of it, I could vote it under protest.

Q. What ticket did you vote, Mr. Krieg?—A. It was the Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Was your name on the registration list?—A. No, sir; they couldn't find it.

03 Q. Wasn't there a registering officer at the polls?—A. Yes, sir.

Q. Why didn't you register before him?—A. He wouldn't do it; I tried him.

Q. The registering officer wouldn't register you?—A. Yes, sir.

Q. What reason did he give you for not registering you?—A. He asked me if I had been registered before, and I told him, "Yes, sir;" "Where at?" Says I, "At the poll." He asked me if I had been registered at the city hall. I told him to that, "No, sir." He asked me if I had ever removed or transferred. I told him, "No, sir." So the judges told me that they couldn't register me; that is all. He didn't register me.

04 Q. Are you a married man?—A. No, sir.

Q. Did you board here at this place, 2204 Broadway?—A. Yes, sir.

Q. Now, where else did you board?—A. I never boarded anywhere; my step-father keeps the place there where I live.

Q. Have you been out of the town?—A. No, sir; no, sir.

Q. Did you live upstairs or downstairs?—A. Upstairs.

Q. Who lives downstairs?—A. My step-father does.

Q. Did you see the reviser when he came around there?—A. No, sir.

Q. Did your father vote?—A. My father? Yes, sir; he voted.

Q. Did the reviser come there to interview your father?—A. I don't know anything about that.

Q. He left his name on the list?—A. I don't know anything about that.

Q. So the revising board had stricken your name off?—A. Where; the polls?

- Q. No. I mean the man that came around to your house before the election, to find out whether you still lived there.—A. I don't know whether there was one around or not.

Q. How long were you at the polls?—A. About five minutes.

Q. You had a full talk with the registrar there in regard to the facts of your case?—A. Yes, sir.

Q. You therefore were registered?—A. Well, not at the present time when I was there. I wanted to get registered, and he asked me the questions that I told you, and I couldn't do it.

Q. And, on your statement of the facts to the registrar, he informed you that he had no power to register you there?—A. Yes, sir; that what he said.

Signature waived.

207 CATO GREEN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Cato Green.

Q. Where do you live?—A. South side of Cottage street, east of Taylor avenue.

Q. How long have you lived there?—A. Four months.

Q. You were there how long before the election?—A. We went there—I forget the time exactly when my father moved there; it was in October some time; it was about fair time; about the fourth or fifth of October.

Q. How long have you lived in Saint Louis?—A. I was raised here.

208 Q. Were you born and raised here?—A. I wasn't born here, I was born in Mississippi.

Q. How old are you?—A. Twenty-three years old.

Q. You are a colored man?—A. Yes, sir.

Q. You have never lived out of the United States?—A. No, sir.

Q. You came here when you were a small child?—A. Yes, sir.

Q. Were you ever registered at the city hall?—A. Yes, sir.

Q. Where were you living when you registered?—A. My answer is: Between West Eighteenth and Nineteenth, on Maiden Lane, number 2317.

Q. Did you get a transfer from Maiden Lane to the place where you now live before the last election?—A. I went there.

209 Q. Went where?—A. I went to the city hall and had my name transferred.

Q. Did you tell them where you were then living?—A. Yes, sir.

Q. Did you tell them where you lived when you registered?—A. Yes, sir.

Q. And they gave you a transfer ticket?—A. No, sir; they said it was all right.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. On the St. Charles rock road near Belleglade avenue—I think it is Belleglade avenue—I am not very well acquainted with the streets out there.

Q. Did you vote?—A. I put in a ticket, but it didn't go into the box.

210 Q. What ticket did you vote?—A. Straight Republican ticket.

Q. Why didn't they put it in the box?—A. They said it was stricken off; my name was on the stricken list.

Cross-examination by Mr. DONOVAN, counsel for contestee:

. How far is 2317 Maiden Lane from the South side of Cottage street, east of Taylor avenue?—A. I haven't any idea, sir.

. About how far?—A. I suppose about a mile, more or less.

. It is in a totally different polling precinct, is it not?—A. Yes, sir.

. Are you a married man?—A. I am not.

Q. Who are you living with?—A. With my father and mother.

Q. And some short time previous to the election you made this removal?—A. I did.

. Do you go home every night to this house on the south side ofage street, east of Taylor avenue?—A. I do, unless I am kept late at my meetings at the lodge; then I stop with some of the brethren.

. What lodge?—A. The lodge which I belong to; I go there sometimes.

. What is your business?—A. My business is laborer.

. Did your father vote?—A. Yes, sir; so he said; I didn't see him.

. Your father is a colored man, and you live in the same house with?—A. Yes, sir.

Q. Well, now, you said you got a transfer, do you know whether you did or not?—A. I had my name transferred; it was not necessary to have a slip.

. When was this that you got this transfer?—A. It was before the election. I know it was on a Friday, but the day of the month I can't

. Was it in September?—A. It was along about a month or so.

. Was it in September?—A. I can't say what month it was in.

. You think it was a month before the election?—A. Yes, sir.

. It couldn't be a month before the election, because you said you moved in October, and the election was on November the second.—

A. It was long before the election. As I was going on the river, I didn't pay any particular attention to what month it was.

Q. You were going on the river?—A. Yes, sir.

. You are on one of these boats, are you?—A. I was on one of them last time. I went up on the Ste. Genevieve.

. And after you moved to the south side of Cottage street, east of Taylor avenue, you went down on the river?—A. Yes, sir.

. And went away from the city?—A. I did.

. How long before the election did you come back to the city of St Louis?—A. I was only gone a week.

. You went on one of your regular trips?—A. Yes, sir; from here to Memphis.

Q. How long prior to the election did you arrive in the city of Saint Louis?—A. I don't remember now; I didn't take no particular time to notice.

. Did you go home on election day?—A. I was before, but I don't remember how long.

. Was it a day or two?—A. It was more than a day, of course.

. Was it two days?—A. It was more than two, too, but I don't exactly know how long it was.

. Was it three days?—A. I can't say positively how long it was. I don't want to say anything except what I am right sure of.

. Didn't you get here right on election day?—A. No, sir; I got here before.

215 Q. You have been all along right on the river, haven't you?—
A. No, sir.

Q. How long have you been traveling the river?—A. I have on made three trips in my life on the river, and that was here last fall.

Q. It was prior to your father's removal to this house on Cotta street, east of Taylor avenue?—A. Two trips before and one after.

Signature waived.

216 JOHN GOODIN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. John Goodin.

Q. Where do you live?—A. Out here on Victoria avenue, between Glendale and Saint Louis avenues.

Q. How long have you lived there?—A. Five years.

Q. How long have you lived in Saint Louis?—A. About six years.

Q. How old are you?—A. Twenty-three.

Q. You are a colored man?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. Not until last year; that was the first time.

217 Q. How long before the last election?—A. About a week; I was registered during the fair.

Q. Then it was more than a week. Were you living at the same place that you are now living at when you were registered?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where?—A. Three miles, out at Joe Post's house.

Q. Did you vote on election day?—A. I did not; they said my name was stricken off.

Q. Did you offer to vote?—A. Yes, sir.

Q. What ticket did you offer to vote?—A. The Republican ticket.

(Mr. Donovan, the counsel for the contestee, at this point objects to proceeding with this examination for the reason that it is now more than half an hour after the usual time for adjournment for dinner, and he insists upon taking a recess for the purpose of getting something to eat, having been present here since 9 o'clock this morning. And counsel for contestee refuses to cross-examine any witness after the usual hour of adjournment has been reached.)

Mr. POLLARD. We have but one other witness, whom we must examine, because we cannot procure him again.

Signature waived.

219 BEVERLY STRODEE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Beverly Stroder.

Q. Where do you live?—A. North Market and Clay avenue.

Q. Where did you live on election day?—A. I lived 2942 Grand avenue; North Grand avenue.

Q. How long had you been living there?—A. Since August.

Q. How long have you lived in the city?—A. Well, about three years.

Q. How old are you?—A. Thirty-six.

Q. Where were you born?—A. In Missouri, Saint Charles County.

Q. You are a colored man?—A. Yes, sir; I have lived here over two years.

20 Q. Always lived in the State of Missouri?—A. No, sir.

Q. But you have lived here for the past three years? Have you ever registered at the city hall?—A. Yes, sir.

Q. How long ago?—A. I registered there two years ago this last last election.

Q. Where did you live then?—A. I lived at 2305 Division street.

Q. Did you get a transfer to the other number before the last election?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. I did.

Q. Did you vote?—A. Yes, sir; I put in a vote by writing my name on there, on the back of it; I handed it to them.

21 Q. Did it go into the ballot-box?—A. I don't know, sir.

Q. Was your name on the registration list there?—A. No, sir; they said not.

Q. Was it on the stricken-off list?—A. They said at the registration office that my name was there and they would see that it was transferred.

Q. You went to the registration office and had it changed?—A. Yes, sir.

Q. You told them where you had registered before; that is, where you had lived at the time?—A. Yes, sir.

Q. Did you vote the straight Republican ticket?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to the utter waste of time in the examination of witnesses who had removed and had failed to get a transfer. Counsel for contestee objects to the utter waste of time in examining witnesses who neglected to perform that duty previous to the election, inasmuch as it was a uniform rule, not only at this election, but at all previous elections, and at all polls in every district in this city, that any party who had registered and had removed prior to the election and failed to transfer, could not be transferred, and not either be registered or vote on election day.)

Mr. Metcalfe, the attorney for contestant, merely desires to refer to the testimony of the last witness, who states that he did transfer before the day of election; and the testimony shows that the failure to make the proper transfer on the registration list must necessarily have been in the city hall in the registration office.)

Signature waived.

At this point a recess was taken until this afternoon at half-past two clock, at which time all parties in interest being duly assembled and announcing themselves ready to proceed, the depositions were resumed, and the following evidence elicited.

24 MATT. STRACK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. METCALFE:

Question. What is your name?—Answer. Matt. Strack.

Q. Where do you live?—A. 721 O'Fallon street.

Q. How long have you lived there?—A. I have lived there now four months.

Q. When did you move there?—A. I moved there three weeks before the election.

Q. Where had you lived previous to that time, Mr. Strack?—A. 1401 Carr street.

Q. Had you registered from 1401 Carr street?—A. Yes, sir.

Q. After you had removed to 721 O'Fallon street, did you go to the city hall and get a transfer?—A. Yes, sir; right the same time I moved to O'Fallon street, I go to the city hall and transfer.

Q. How old are you?—A. Thirty-one.

Q. How long have you lived in this State?—A. In America I have been fourteen years.

225 Q. You were born in the old country, were you?—A. Yes, sir.

Q. Have you got your citizen papers since you came here?—A. No, sir.

Q. How old were you when you came?—A. About seventeen years.

Q. You were seventeen years old when you came here?—A. Yes, sir.

Q. How long have you lived in the city?—A. Thirteen years.

Q. Did you go to the polls to vote on the day of election last?—A. Yes, sir; I went to O'Fallon street in the same block.

Q. O'Fallon and what? State exactly where the polls were.—A. Between Seventh and Eighth, on O'Fallon, on the alley.

Q. On which side of O'Fallon street?—A. On the north side of the street.

Q. Did you vote that day?—A. I went to vote.

Q. Was your name on the list?—A. He said he couldn't find it.

Q. Who said that?—A. The judge said so.

226 Q. He said what?—A. He said that I should come again, and

I went again about ten o'clock, and he says, "You come again; so I come at two o'clock, then he said there is no use to come any more—that my name was not on the list.

Q. You went there and offered to vote?—A. I went there times offered to vote.

Q. What ticket did you have?—A. Sessinghaus.

Q. Straight Republican ticket?—A. The straight Republican ticket, yes, sir.

Q. Do you know whether or not your vote was counted?

WITNESS. What?

Q. Did they take your ticket?—A. No, sir; they wouldn't receive the ticket at all.

Cross-examination by Mr. DONOVAN:

Q. That is all you did there?—A. Yes, sir.

Q. You lived around there?—A. I lived right near there.

Q. Did you live in the front or rear?—A. I live right upstairs.

Q. Did you live in the second story?—A. Yes, sir.

227 Q. What is downstairs?—A. A baker shop, where I work.

Q. Were you there when the reviser came?—A. I can't understand what you mean.

(The notary explains to witness who the reviser was.)

A. I never seed anybody; nobody was by me before the election.

Q. When you registered, where did you register from?—A. In the city hall; I got registered when I live at 1401, and when I move again I got registered to 721 O'Fallon.

Q. How far are these two places apart?—A. I live now in 800, and that was in Fourteenth street and Carr.

Q. How far were these places apart, was my question, Mr. Witness?—A. Four blocks; five or six blocks.

Q. They were in different polling precincts?—A. I didn't live then where I live now; I don't know; I live before, about five years, on Biddle street.

Q. You didn't get a transfer from the city hall?—A. Yes, sir; I have got it here.

Q. Let me see it.—A. Those are my citizen papers.

Mr. DONOVAN. The witness now shows as a transfer, to the counsel for contestee, the following paper:

STATE OF MISSOURI,
County of Saint Louis :

In the Saint Louis criminal court, September term, 1876. October 20, 1876.

Mathias Strack, a native of Germany, who applies to be admitted a citizen of the United States, comes and proves to the satisfaction of the court, by the testimony of John Hessel, two credible witnesses, &c.

To the WITNESS. This is the transfer that you obtained at the city hall?—A. Yes, sir.

Q. Is this the only transfer that you obtained?—A. Yes, sir.

Q. You obtained this at the city hall, or did you obtain it at the four courts?—A. I got that in the four courts; I got registered in the city hall.

Q. Do I understand you to say that this is the transfer that you got at the city hall?—A. Of course.

Q. Now I will read this to you.

WITNESS. I don't know what you read; I can't understand what you may read.

Mr. Metcalfe, counsel for contestant, objects to proposed reading as useless encumbrance of the record.)

Mr. DONOVAN. The gentleman says that is a transfer that he made, and, in order that we understand it, I propose to read it here, if he is willing to listen to it; this says, this way:

STATE OF MISSOURI,
County of St. Louis :

In the St. Louis criminal court. September term, 1876. October 20th, 1876.

Mathias Strack, a native of Germany, who applies to be admitted a citizen of the United States, comes and proves to the satisfaction of the court, by the testimony of John Hessel, two credible witnesses [although only one witness is mentioned], citizens of the United States, that he arrived in the United States a minor, under the age of eighteen years; that he has resided in the United States at least five years, including the years of his minority, and in the State of Missouri at least one year immediately preceding this application, during which time he has conducted himself as a man of good moral character, attached to the principles of the Constitution of the United States, and disposed to the good order and happiness of the same; and the applicant declaring in open court, upon oath, that for three years past it has been his bona fide intention to become a citizen of the United States; and he declaring, also upon oath, that he will support the Constitution of the United States, and that he doth absolutely renounce and abjure forever all allegiance and fidelity to every foreign power, prince, state, and sovereignty whatsoever, and particularly to the Emperor of Germany, of whom he was a subject; therefore, the said Mathias Strack is admitted a citizen of the United States.

STATE OF MISSOURI,
County of St. Louis, ss :

231 I, Andrew J. Clabby, clerk of the criminal court in and for said county, certify the above to be a true transcript of the record, as the same now remains in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at office in the city of Saint Louis this 20th day of September, A. D. 1876.

[SEAL.]

ANDREW J. CLABBY, Clerk.

Q. Is this the paper that you have received as a transfer?—A. Yes, sir.

Q. So that is the paper that you received as a transfer?—A. Yes, sir.

That will do, sir.

By Mr. METCALFE:

Q. Mr. Strack, how long ago did you get that paper; how long; when was it?—A. Last election four years.

Q. Did you go to the city hall before the election last November?—A. Yes, sir.

Q. Did you tell them that you had moved from Fourteenth and O'Fallon to 721 O'Fallon?—A. Yes, sir; of course.

Q. And what did they tell you?—A. They said it was right; he wrote on the paper.

Q. Well, you got transferred four years ago, when you got your citizen papers?—A. Yes, sir; he put a stamp on it, and I took it with me.

By Mr. DONOVAN:

Q. That is the paper that you got when you transferred?—A. Yes, sir.

Q. You have only been living at 721 O'Fallon four months?—A. Y~~e~~s, sir.

Q. When you transferred you got the paper which I have just re~~d~~ to you; you got that paper?—A. Yes, sir; I got this paper when I ~~w~~ in the city hall.

Q. Did you get that at the city hall?—A. Yes, sir.

Q. And that is all the paper that you have got to show for y~~e~~ transfer?—A. Yes, sir; of course I showed the paper.

Q. That is the paper that you got when you transferred?—A. Y~~e~~s, sir; that is the paper what I got.

Signature waived.

233 JOHN FREDERICK LEEKER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. METCALFE:

Question. What is your name?—Answer. John Frederick Leeker.

Q. Where do you live?—A. Southeast corner Thirteenth and Carr.

Q. How long have you been living there?—A. Living there since September 18 last.

Q. How long have you been living in this State and city?—A. I was born in this city.

Q. And you have always lived here, I presume?—A. Yes, sir.

Q. How old are you?—A. I am 32 years old, going on 33.

Q. Where had you lived previous to coming to Thirteenth and Carr?—A. 1318 Benton street.

Q. Had you ever registered before you came to Thirteenth and Carr?—A. Yes, sir.

Q. You moved last September to Thirteenth and Carr?—A. Yes, sir.

34 Q. After you removed from there, before the election, did you transfer at the city hall?—A. Yes, sir.

Q. How long before the election?—A. About two or three weeks.

Q. So you went to the city hall to effect a transfer?—A. Yes, sir; at least I supposed so.

Q. You went into the recorder of voters' office?—A. Yes, sir; and notified him of my removal.

Q. You notified whom?—A. One of the clerks; I think his name was Walsh.

Q. Was that before the election or after, and after you had moved to his present place of residence?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. I did, sir.

Q. Where were they located?—A. On the northwest corner of Twelfth and Carr streets.

35 Q. Did you offer to vote?—A. Yes, sir.

Q. Was your vote received?—A. No, sir; it was received on protest; that is the way it was received; it was inclosed in an envelope and my name put on it.

Q. What did they say to you?—A. They said they couldn't take it, because my name didn't appear on the poll-books.

Q. For whom did you offer to vote for Congress?—A. For the Republican ticket, with two exceptions.

Q. Did you offer to vote for Mr. Sessinghaus?—A. I did, sir.

Cross-examination by Mr. DONOVAN:

Q. What was Mr. Walsh's official position?—A. I can't state, sir; he was one of the clerk's there, from all appearance.

Q. Was it the recorder of voters, or was it the register of the city of St. Louis?—A. I can't state that, sir; because I could not know.

Q. Was it Mr. Richard Walsh?—A. No, sir; it was not Mr. Richard Walsh. I only heard the gentleman's name by somebody calling him Walsh; I don't know the gentleman personally.

Q. You had registered from 1318 Carr?—A. No, sir; southeast corner Thirteenth and Carr, not 1318; there is no such number.

Q. Where was the place that you had previously registered from?—I had previously registered from—I believe I registered from Fifteenth and Chambers.

Q. How far was that from the place that you lived at on election day?—A. About ten blocks or eleven.

Q. It was not in the same polling precinct that you had previously resided in and from which you registered?—A. Not that I know of.

Q. Well, it couldn't be, being so many blocks away?—A. I don't aim to be thoroughly posted on that matter.

Q. Now, when did you go to the city hall to notify them of your removal?—A. About two or three weeks before the election.

37 Q. When did you remove?—A. September 18th, I removed to Thirteenth and Carr from 1318 Benton.

Q. And soon after your removal you went to the city hall?—A. No; not soon after, but it was some time; two or three weeks before the election.

Q. Who did you see there?—A. I stated before that I heard some

one call Mr. Walsh, who was behind the counter; there was a dozen clerks around, waiting on the people that were waiting to register, so I told him I wanted to notify him my removal from 1318 Benton No, not from 1318 Benton; I think I lived on Hebert street; but whenever it was he looked up the poll books and found it, and I supposed entered the change.

Q. Don't you know where you did live when you went to notify ~~him~~ of your removal?—A. I stated it was Thirteenth and Carr, southeast corner.

Q. What were you saying about Hebert street just now?—
238 A. Because I lived there before I moved to Benton street; I was thinking about where I registered last, but I am positive of being registered from Fifteenth and Chambers.

Q. Now, please give us the date at which you registered each time?—
A. I can't do it, sir.

Q. How often did you remove since you registered the first time?—
A. I can't say that neither.

Q. About how often?—A. Twice.

Q. Where did you live when you registered the first time?—A. Fifteenth and Chambers, in number —. No; I registered the first time on West Nineteenth and Howard.

Q. Well, where did you go to then?

WITNESS. To do what? From there I went to Fifteenth and Chambers.

Q. And then?—A. To Hebert street, 1711, and then to 1318 Benton street.

239 Q. And where did you go then?—A. Southeast corner Thirteenth and Carr.

Q. How many removals was this, and during what time?—A. This was in ten years.

Q. How often did you notify the authorities at the city hall of your removal?—A. I notified them every time, with the exception of probably when I went on Benton street; that was the only time.

Q. When did you go to the city hall prior to the election?—A. About three weeks; I can't say within a few days; two or three weeks.

Q. Who did you see when you went there?—A. I stated Mr. Walsh.

Q. One of the clerks behind the counter?—A. Yes, sir.

Q. You think his name was Walsh because you heard somebody call him Walsh?—A. Yes, sir.

240 Q. Are you sure he was a clerk there?—A. He had no business behind the counter if he wasn't.

Q. What did he say to you?—A. He asked me what I wanted, and I stated that I had removed from 1318 Benton, and he looked up the record and found that I had been registered, and from that he turned back again and found my name all right. I told him that I wanted to be transferred to Thirteenth and Carr. He says, "All right."

Q. Are you a married man?—A. I am not a married man, or else I wouldn't be moving as often as I do.

Q. Did you go to the polls?—A. I did, sir.

Q. What did you do there?—A. I attempted to vote.

Q. Tell us all that you did?—A. Well, I visited the poll and asked for my name, and they looked over the poll books; said I wasn't there; couldn't receive me; I turned round the corner; it was still in 241 the same room; went to another window; there was a man named Eberle, who lives at 1104; he was standing there attending as one of the supervisors, and he took my vote and put it in an envelope with my name on the back of it.

Q. Now tell us all that you did when you went there, or have you stated all that you did?—A. I stated all that I did; I can't state anything else.

Q. You have nothing more to state?—A. Nothing more to state.

Q. You have stated all the facts that transpired at the polls?—A. I have stated all the facts that transpired at the polls. I presented my vote; it was refused; I went round the corner; they received it there and put it into an envelope.

Q. You are sure, now, that you have stated everything?—A. Yes, sir.

Signature waived.

12 A. F. MOFFETT, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. METCALFE:

Question. What is your name?—Answer. A. F. Moffett.

Q. Where do you reside?—A. 1405 North Tenth.

Q. How long have you lived there?—A. About six years.

Q. How old are you, Mr. Moffett?—A. Thirty-three.

Q. You were born in this country, of course?—A. I was born in Saint Louis.

Q. State whether you registered at the city hall before the last election?—A. It is three or four years ago since I registered.

Q. State whether or not you registered from the same number at which you now live.—A. Yes, sir; from the same number.

Q. Did you register at the city hall?—A. Yes, sir.

Q. You have never moved since?—A. No, sir.

43 Q. State whether or not you went to the polls on election day to vote?—A. Yes, sir; they refused me; said that somebody had voted already on my name.

Q. Did you offer to vote?—A. Yes, sir.

Q. Who did you offer to vote for for Congress?—A. Sessinghaus.

Q. State whether or not you voted, or whether your vote was received.—A. They wouldn't receive it.

Cross-examination by Mr. DONOVAN:

Q. Who voted on your name?—A. I couldn't tell you.

Q. Do you live front or rear?—A. Front.

Q. Was your name on the polling list?—A. Yes, sir.

Q. Did you offer to register there?—A. No, sir; I was already registered.

Q. What is your father's name?—A. James.

Q. What is your son's name?—A. Got none.

44 Q. What is your brother's name?—A. John.

Q. What time did you go to the polls?—A. About half past five in the evening.

Q. Did you vote yourself on that registration?—A. No, I couldn't; they wouldn't let me.

Q. Where is this poll at?—A. Tenth and O'Fallon.

Q. Did you know the judges?—A. Cahill, Dan., was one of the judges.

Q. That is the city contractor?—A. Yes, sir.

Q. The old gentleman?—A. Yes, sir.

Q. Did he know you?—A. Yes, sir.

Q. Was he there all day?—A. He said he might have been at dinner when they voted on my name.

Q. Was it a white man or negro that voted your name?—A. I couldn't tell you; I didn't know anything about it.

Q. Did that white man or negro vote for Sessinghaus or anybody else?—A. I don't know. How am I to know?

245 Q. He may have voted for Sessinghaus?—A. Yes, sir; and he might not.

Q. You don't know how he voted?—A. No, sir.

Q. Did you send anybody there to vote on your name?—A. No, sir.

Q. How long have you been living at 1405 North Tenth?—A. About six years, I guess.

Q. Have you ever removed from there?—A. No, sir.

Q. What is your business?—A. Painter.

Q. Do you work here in the city?—A. Yes, sir.

Q. Had you informed anybody of these facts before you came here?—A. No, sir.

Q. How did you get here, if you didn't inform somebody of these facts?—A. Well, a gentleman came up Saturday and told me to come down here, and I came.

Q. What gentleman?—A. Some man from this office, I think; to-day they brought me up a subpoena, and I thought I would come down.

246 Q. Haven't you told anybody before?—A. Nobody that I know of; I had no talk with anybody.

Q. Did you ever mention the fact that somebody had voted on your name?—A. No, sir.

Q. To nobody?—A. I might that day.

Q. Not since?—A. Not that I remember of.

Q. Didn't you vote yourself on your own name?—A. Hardly.

Q. What do you mean by hardly?—A. Well, that I didn't vote.

Q. Why didn't you say you didn't?—A. I did say I didn't.

Q. How long before you came to the poll was your name voted on?—A. How could I tell you; I didn't find it out until I went there.

Q. And you went there what hour?—A. About half past five.

Q. Wasn't the judges, both Democrat and Republican, well 247 acquainted with the people in that precinct?—A. Well, I supposed Cahill was acquainted with me.

Q. And Dan. Cahill was a judge?—A. I think he was, he was officiating there at the table.

Q. If a man came to vote on your name, don't you suppose he would know whether you were moved or not, inasmuch as he was acquainted with you?—A. That is what I told him and he said he might have been out at dinner or somewhere.

Q. You don't know whether he was?—A. You will have to go to him and find that out.

Q. How long did you stay there?—A. About half hour.

Q. What were you doing during that half hour?—A. Disputing with Mr. Cahill.

Q. Disputing to what effect?—A. Why I couldn't get my vote in.

Q. What did he say to you?—A. He said there was one vote in that would have to stay in.

248 Q. He didn't say for whom?—A. No, he didn't know.

Q. What are your politics?—A. Well, I was going to vote for Mr. Sessinghaus for Congress.

Q. What sort of a ticket were you going to vote?—A. A mixed one.

Q. You mean you were going to vote the "Chronicle" ticket?—A. No, sir.

- . You were going to vote for some Republicans and some Democrats?—A. Yes, sir.
 - . What sort of a ticket did you have in your hand?—A. Well, I t know exactly, I believe it was a Republican ticket.
 - . You don't know?—A. It was scratched.
 - . You mean it was a Chronicle ticket, that is a ticket that had some ublicans and some Democrats on it, a ticket that was gotten up day for deceiving the honest voters of the city?—A. I had two of n.
 - . Q. Were you going to vote both?—A. One had a Republican heading and the other had a Democratic heading, and both of them was scratched.
 - . What do you mean by scratched?—A. Some of the names crossed and some of them left in.
 - . Who gave you these scratched tickets?—A. I scratched them myself.
 - . You scratched two tickets?—A. Yes, sir.
 - . What sort of tickets were they?—A. One was headed Democratic the other was Republican.
 - . And you scratched both?—A. Some names, yes.
 - . What did you scratch the two tickets for?—A. One ticket didn't e the names on it that I wanted, so I scratched it.
 - . Did you want to vote them both?—A. No, sir.
- gnature waived.

JOHN MERKEL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

- By Mr. METCALFE:
- uestion. What is your name?—Answer. John Merkel.
 - . Where do you live?—A. Lowell.
 - . On what street?—A. On Talcott avenue and Third.
 - . Lowell is a suburban portion of Saint Louis, is it not?—A. Yes,
 - . It is in the city limits of Saint Louis?—A. Yes, sir.
 - . How long have you lived there?—A. I have lived there about two s, I think, or so.
 - . How long have you lived in Saint Louis?—A. About fifteen years.
 - . How old are you?—A. Thirty-two the 23d day of August.
 - . Have you ever registered at the city hall?—A. I have.
 - . Q. How long ago?—A. I believe it was in the city hall, any how, I registered, I know that.
 - . Q. How long ago?—A. Well, about four or five years ago, I t remember myself.
 - . Where were you living when you registered, if you remember?—I think I was living on O'Fallon avenue at that time.
 - . How far from Talcott and Third?—A. About two blocks.
 - . Did you get a transfer this last fall from O'Fallon avenue where formerly lived to Talcott and Third, where you then lived?—A. I a certain man he promised to transfer it for me, William Huber, he nised to do it for me.
 - . You didn't go to the city hall yourself?—A. No, sir; he said he ld attend to that himself.
 - . Did you go to the polls on election day?—A. I did.
 - . Where are those polls?—A. They were on Bellefontaine road, be en Talcott and Hall.
 - . Did you vote?—A. I did.

252 Q. What ticket did you vote, Mr. Merkel ?—A. I voted the straight Republican ticket.

Q. Was your ticket received by the judges ?—A. Yes, sir.

Q. It was. What did they do with it ?—A. They had a little talk over it; they said they would take that under *contest*.

Q. But they didn't put it in the box ?—A. No, sir; I didn't see them put it in the box; I just walked off.

Q. Now, is the place where you registered from on O'Fallon avenue and the place where you lived on election day both in the same voting precinct ?

(Mr. Donovan, counsel for contestee, objects to the question unless the gentleman first states that he is familiar with the lines of the voting precinct.)

A. Yes, sir; I think they are.

Cross-examination by Mr. DONOVAN :

Q. You think they are ?—A. Yes, sir.

Q. Do you know whether they are or not ?—A. Well, I don't often take notice of such things; I am pretty sure they are, 253 though.

Q. It is your opinion they are. Now, you had registered from O'Fallon avenue ?—A. Yes, sir.

Q. And you moved from O'Fallon avenue to some place near Talcott avenue ?—A. Yes, sir.

Q. Now, did you go to the city hall to notify them of the change in your case—of your removal ?—A. No, sir; I had a certain young man out there. I don't know actually what he is; anyhow he told me he was going to transfer it for me; he was going down there to attend to it for me.

Q. Don't you know you have to attend to that yourself ?—A. He said he would attend to it for me.

Q. You didn't have time to go to the city hall ?—A. No, sir; not well.

Q. So you neglected that duty ?—A. Yes, sir; I had to; of course I would have went there if he hadn't told me he would attend to it. He said there was no need for me to go there.

254 Q. You don't know who he was ?—A. Yes, I know him right well.

Q. What was his business in regard to the election ?—A. I think he is—I forget what you call it now, I can't remember these names. I forgot what he is actually; but anyhow he has a good deal of interest—

Q. Answer the question, if you know, and don't branch off ?—A. I don't know myself what his business was; he is not a committeeman, but anyhow he was some kind of a—what-you-may-call-it. I can't think of the name now—the office that he is in.

Q. Is he in any office ?—A. I expect he is.

Q. What sort of an office ?—A. I don't know.

Q. Post-office or customs office, or what ?—A. I can't name now it exactly.

Q. Well, what did he do ?—A. Well, he didn't do anything, I don't suppose, he just only told me—

255 Q. That he would attend to your transfer ?—A. Yes, sir; he did.

Q. He said he would do it ?—A. Yes, sir; he did.

Q. Do you know whether he did ?—A. I do not know, sir.

Q. You never went yourself, and you don't know whether he did or

not attend to that matter?—A. I couldn't tell whether he did or not; he told me so anyhow, and I thought, as he was going down there, he could attend to it for me.

Q. So you just took that man on trust?—A. Yes, sir, I took him on trust; he is a pretty fair man.

Q. And you don't know whether you were actually transferred on the books of the recorder or not?—A. I know this much, that the day I voted they didn't take my vote, I don't believe. They took it under a protest.

(Question repeated by the notary.)

A. No, sir; I am not sure whether I am.

Q. And that is the reason that they gave you at the polling place, that they could not receive your vote any more, that you had not done your duty under the law and obtained a transfer?—A. I told them right there at the polls that I had a certain man go down and transfer it for me; that if he didn't do it, why, of course, it's not done; that's all.

By Mr. POLLARD:

Q. Was your name on the poll-books there on the day of election; did they find your name there?—A. Yes, sir.

By Mr. DONOVAN:

Q. They found your name on what list?—A. Well, I couldn't tell; I wasn't inside; I just handed in my vote.

Q. Then, if your name was on the polling lists, and you handed in your ticket, it was put in the ballot-box and counted?—A. I know they called my name and took the ticket.

Q. And stuck it in the ballot-box?—A. I didn't look to see what they done with it; I heard them discussing in there about something.

Q. You don't know what they did with it?—A. I don't know.

Q. But you had moved from the place where you had registered from?—A. I did.

Signature waived.

258 II. BUDDENBERGH, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Mr. POLLARD:

Question. What is your name?—Answer. H. Buddenbergh.

Q. Where do you live?—A. Caroline avenue and Rock road, not on the corner.

Q. Whereabouts?—A. Well, all I can say, it's about the third house on Rock road, near Caroline avenue.

Q. Which side of Caroline avenue?—A. On the east side of Caroline avenue, on the river side.

Q. How long have you lived there?—A. I have lived there about 16 months, more than a year anyhow.

Q. How long have you lived in Saint Louis?—A. In Saint Louis about 16 years.

Q. How old are you?—A. thirty-four.

Q. Have you ever registered at the city hall since you have been in the city?—A. Yes, sir.

Q. How long ago?—A. Well, I think it's about four years.

259 Q. Where were you living then?—A. On University street, near to my factory, University and Jefferson avenue.

Q. That is how far from where you are now living?—A. Well, that is a good distance; it is about five miles from the court-house.

Q. They are not in the same precinct?—A. No, sir; not where I am living now; I believe that is now in the 28th ward.

Q. Did you ever go to the city hall to get a transfer from where you formerly lived to the place where you are now living?—A. No, sir.

Q. You never did that?—A. No, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. What polls?—A. To Côte Brilliante.

Q. Did you register at the polls on that day?—A. Yes, sir.

Q. You went inside there?—A. They wouldn't let me inside; I done it outside.

260 Q. Did you hold up your hand and swear?—A. Yes, sir.

Q. Did you subscribe the poll book that they had there?—A. Yes, sir.

Q. Did you vote?—A. Yes, sir.

Q. What ticket did you vote?—A. I voted the straight Republican ticket.

Q. What did they do with the ticket?—A. They took it inside under protest.

Q. Did they put it in the box?—A. That I can't tell.

Cross-examination by MR. DONOVAN.

Q. Who was outside?—A. I was outside.

Q. Well, who else?—A. I am not acquainted out there in that neighborhood; I am not 'round there in the day time; I attend to my own business; I had no time; I am hardly ever out there.

Q. Was the registrar inside or outside?—A. Inside.

Q. But you registered outside?—A. Yes, sir.

Q. How could you register outside when the registrar was 261 inside?—A. I can't tell; he made me do it.

Q. If you had registered there and the registrar was inside, how was it possible for you to register outside?—A. There was a big hole in the window where I put in my ticket.

Q. But the judges were at the window?—A. I don't know who was the man that was attending there—who attended to the registering; he was right at the window.

Q. Well, they treated you politely?—A. Yes, sir, I didn't have any trouble.

Q. How far is University and Jefferson from Caroline avenue to the Rock road?—A. It's, I think, about three miles.

Q. Well, you had registered from University and Jefferson avenues?—A. I had not registered there at all.

Q. Had you never registered at the city hall?—A. Yes, sir.

Q. Where were you living when you registered?—A. On University street.

Q. And Jefferson avenue?—A. Yes, sir.

Q. Did you ever go to the city hall to notify them of your 262 change of residence to three miles away from that place?—A. No, sir, not since that time.

Q. So the judges said that your ballot was not a legal one, since you had neglected that duty?—A. They said they would take it under a state of protest.

Q. They told you that nobody, neither Republican nor Democrat, could vote at that poll or any poll in the city of Saint Louis, who had neglected the duty of making a transfer?—A. I didn't ask them that, and they didn't ask me.

Q. Well you had told them that you had registered from a place three miles away?—A. I didn't tell them.

Q. You told them that you had registered from University and Jefferson avenues?—A. I used to live there.

Q. And you told them that, and that you had registered from that place?—A. No, I did not; I said I was not registered from the old place to the new.

Q. Then you told them that you had not made a transfer?—A. Yes, sir.

Q. Then they told you there was no use of considering that vote?—

263 A. They told me they would take my vote in a state of contest. Q. They told you if you just pass your piece of paper in there, they would take it?—A. Yes, sir.

Q. Why didn't you transfer?—A. The last time when I was there you see I was in a hurry; that same day I lost over five hundred dollars.

Q. You just wouldn't take the trouble to do it?—A. Yes, sir; it took me a whole day to do it. I wouldn't do it again; that's no nonsense.

Signature waived.

264 MARTIN BOESSLER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Martin Boessler.

Q. Where do you reside?—A. Corner of Fourteenth and Farrar.

Q. How long have you lived there?—A. A little over a year.

Q. How long have you lived in Saint Louis?—A. About eight years.

Q. How old are you?—A. 30 years.

Q. How long have you lived in the United States?—A. Since '71; I am here ten years.

Q. You came to this country before you were 21?—A. Yes, just.

Q. Have you ever registered since you lived in the city of Saint Louis?—A. Yes, sir.

Q. Where were you living when you registered last?—A. I live on the Gravois road.

265 Q. How far is that from Fourteenth and Farrar?—A. From Fourteenth and Farrar it's about four miles, I guess.

Q. Is it not in the same voting precinct?—A. No; I should think not.

Q. Did you get a transfer from where you had registered, on the corner of Fourteenth and Farrar, at the city hall?—A. No, sir.

Q. You didn't go there and get a transfer?—A. No, sir.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. What polls?

(Mr. Donovan, counsel for contestee, states if this gentleman didn't obtain a transfer from the place where he was living when he registered, four miles away, then the counsel for the contestee objects to this unconscionable waste of time, and objects to any further examination into his matter from this witness.)

Question read by the notary.

A. Kreinbaum; that is on Fifteenth and Bremen avenue.

By Mr. POLLARD:

266 Q. Did you register at the polls on this last election day?—A. No, sir; I went to the poll and told a man what was standing.

at the window; I told him I didn't transfer from the other place to this place; he said, "Well, come in," and I went in, and they asked if I have got transferred, and I told them "Yes;" that I was in the city hall twice or three times; that I got transferred from one place to another. They said there is no use to register you here; go just outside and throw your vote in.

Q. Which you did?—A. Yes, sir.

Q. What ticket did you vote, the Democrat or Republican?—A. The straight Republican.

Q. Do you know what they did with it?—A. No; I didn't look out for that.

Cross-examination by Mr. DONOVAN:

Q. You hadn't been transferred from the Gravois road, Mr. Boessler, to Fourteenth and Farrar?—A. No, sir.

Signature waived.

267 WILLIAM REIPSCHLAEGER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. William Reipschlaeger.

Q. Where do you live?—A. 1626 Wright street.

Q. You were one of the judges of election at last November election?—A. Yes, sir.

Q. What polls?—A. Poll one hundred and forty-eight, or rather precinct one hundred and forty-eight.

Q. Do you remember, Mr. Reipschlaeger, how many votes were polled and counted at that precinct?—A. Yes, sir.

Q. How many?—A. Two hundred and three.

(Mr. DONOVAN, counsel for contestee, objects to the inquiry, for the reason that the record is the best evidence.)

By Mr. POLLARD:

268 Q. Do you remember how many of those were counted for Mr. Sessinghaus and how many for Mr. Frost?—A. There was one hundred and forty-nine for Sessinghaus and fifty-two for Frost; that makes two hundred and one; that is all that were counted.

Q. Was that a correct count of the votes that were polled and received by the judges and put into the box that day?—A. There was two more votes cast, because there is a mistake of two.

Q. There were two more votes in the box when the box was opened?—A. Yes, sir.

Q. Why were they not counted?—A. Well, there was one of them had no name on it for Congress at all, and that was only counted for the electors and State officers.

269 Q. What was the matter with the other one?—A. The other one was a Chronicle ticket.

Q. And that was not counted?—A. No, sir; that was not counted.

Q. Whose name was on that Chronicle ticket for Congress?—A. Sessinghaus.

Q. How many ballots, when you opened that box, were there for Mr. Frost?—A. I stated before fifty-two.

Q. And one hundred and forty-nine for Mr. Sessinghaus?—A. Yes, sir.

Q. Was that the official count that was returned by you and the other judges to the city hall of that vote?—A. That was the official count that were returned to the city hall.

Q. Do you know whether that is the count that was acted upon
270 by the officers whose duty it is to foot up the returns at the city
hall?—A. I don't know, sir.

(Mr. Donovan, counsel for contestee, objects to any testimony in regard to what was the official return, for the reason that the official return is here present and speaks for itself.)

By Mr. POLLARD:

Q. Do you know a man named William Springer, who offered to vote at your precinct that day?—A. Yes, sir.

Q. How long have you known him?—A. I have known him since five years.

Q. Was his vote taken or not?—A. It was taken under protest; his name was stricken off the list.

Q. It was on this stricken list, as you call it?—A. Yes, sir; yes, sir.

271 Q. Do you know what his politics are?—A. I do.

Q. What are they?—A. I should think so; I wouldn't swear to that positive. I think he is a Republican.

(Mr. Donovan, counsel for contestee, objects to this speculation in regard to a man's politics.)

By Mr. POLLARD:

Q. Do you know how long he has resided in that voting precinct?—A. Ever since I knew him, and in that same house, in the same house that he lives now.

Q. About how long?—A. About five years.

Q. Do you know H. Johanningmeyer?—A. I do not know.

Q. Do you know whether such a name as that was presented there to vote on that day?—A. I think there was, sir.

272 Q. Do you know whether his name was on the list or not?—A. I don't think his name was on the list; his vote was taken under protest.

Q. You don't know him personally?—A. No, sir.

Q. You don't know where he lives?—A. No, sir.

Q. Do you know L. E. Nagel?—A. I don't know him.

Q. Do you know whether he offered to vote there that day?—A. Yes, sir; I think he did. I think his name is on the rejected list, and he applied to vote.

Q. And that is all that you know about it?—A. Yes, sir.

Q. Do you know Henry Meyer?—A. I do not know him.

273 Q. And you don't know whether he voted that day or not?—A. If his name is not on the rejected list he voted.

Q. Do you know Henry Bosse?—A. I don't know him.

Q. Do you know E. M. Bownds?—A. I do know him.

Q. How long have you known him?—A. I have known him for years.

Q. Did he come to the polls that day—there to vote?—A. Yes, sir.

Q. Did he vote?—A. He did vote.

Q. Was his vote received and counted?—A. It was received and handed over to the supervisors to be taken in their hands, because he neglected to register in that precinct.

By Mr. DONOVAN:

Q. He neglected to transfer?—A. Yes, sir; he neglected to transfer.

274 By Mr. POLLARD:

Q. How long had he lived in that precinct, as far as you know?—A. Well, he might have lived there for a month, as far as I know.

Q. You don't know then?—A. No, sir.

Q. Do you know Andreas Fischer?—A. I do not know him.

Q. Do you know whether he voted that day or offered to vote?—A. He voted; yes, sir.

Q. What was done with his ballot?—A. It was on the rejected list.

By Mr. DONOVAN:

Q. State why.

By Mr. POLLARD:

275 Q. Why was his name rejected?—A. In some cases it was because they were stricken off the list. Old citizens in that ward were stricken off the list; some of them were stricken off the list by those revisers and some of them neglected to transfer.

Q. Do you know how long this man Fischer, Andreas Fischer, had lived in that precinct?—A. I do not know him, sir.

Q. Do you know Charles F. Winter?—A. I do.

Q. How long have you known him?—A. I have known him for some time; he is an old citizen of that ward.

Q. How long has he lived in that precinct in which he is now living?—A. For several years.

Q. And you knew him as such on election day?—A. Yes, sir.

276 Q. And his name was scratched off, was it?—A. Yes, sir.

Q. His vote was received under protest?—A. Yes, sir.

Q. Henry Kobolt, do you know him?—A. Yes, sir.

Q. How long have you known him?—A. For the last ten years.

Q. Has he lived in that precinct for ten years?—A. Yes, sir.

Q. His name was in the same fix?—A. Yes, sir; stricken off the list.

Q. A. G. Palzer, do you know that gentleman?—A. I know him; yes, sir.

Q. How long have you known him?—A. I know him since about three years.

Q. In that precinct?—A. Yes, sir.

277 Q. And his name was stricken off the list, was it?—A. No, sir; he neglected to transfer.

Q. That was the trouble with him, was it?—A. Yes, sir.

Q. Do you know Charles Trubins?—A. I don't remember him.

Q. Do you know William Twelmann?—A. I know there is such a man; he has had a great deal of fuss, I think, because his name was stricken off the list.

Q. Do you know where he lived?—A. He lived on Lucas street.

Q. Is that in that precinct?—A. Yes, sir.

Q. Do you know how long he had lived there?—A. I do not know, sir.

Q. Do you know Mr. Warmhold?—A. I do not know him.

278 Q. You don't remember whether his name was stricken off the list or not?—A. No, sir.

Q. Or whether he did not transfer?—A. No, sir; I couldn't say.

Q. F. W. Brodejohn, do you remember him?—A. I do not, sir.

Q. Or whether his name was stricken off, or whether he hadn't transferred, that you don't know?—A. I couldn't tell you.

Q. Do you know whether on that day there were a great many men offered themselves for special registration at that poll?—A. Yes, sir.

Q. About how many?—A. I think there was some 30.

Q. Were they all registered?—A. They said they were entitled to register; I think they were registered; yes, sir.

279 Q. Did they vote?—A. Yes, sir; when we found they had neg-

lected to register at the registration office we took their vote as a legal vote.

Q. Do you know Philip Platz?—A. No, sir.

Q. Do you know William Baumhoefer?—A. Yes, sir.

Q. How long have you known him?—A. I have known him for years.

Q. Where did he live?—A. On Dodier street.

Q. In that precinct?—A. Yes, sir.

Q. And had lived there for years?—A. Yes, sir.

Q. Do you know whether his name was stricken off that list?—A. Yes, sir.

280 Q. John M. Mohrmann, do you know him?—A. Yes, sir; I know him.

Q. How long have you known him?—A. Oh, for years; about fifteen years.

Q. Did he live in that precinct?—A. Yes, sir. Well he might not have lived in that precinct for quite fifteen years, but I know he has lived there for ten years.

Q. Was his name also stricken off the list?—A. I don't recollect any more.

Q. Now, I want to ask you whether all these men whose names you have been asked about, and whom you have said were stricken from the list, were over twenty-one years of age, apparently, judging from their appearance?—A. Oh, undoubtedly.

281 (Mr. Donovan, counsel for contestee, objects to the inquiry, for the reason that the witness has already stated that he did not know 60 per cent. of them.)

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Reipschlaeger, I will ask you what was the rule applied to voters who presented a ballot there who had been registered and had removed and had failed or neglected to notify the authorities at the city hall of the fact of their removal?—A. Well, we went according to law; that is, they were not entitled to register there, and we couldn't register them, so we took their votes under protest.

Q. But in case a party had registered already at the city hall, 282 and hadn't notified the authorities there of the fact that he had removed, what action did you take in regard to their ballots?—

A. We took their ballots, because the United States laws says that no man shall be deprived of his vote as long as he shows that he is a citizen; so that we took their ballots under protest.

Q. But you would not allow them to register at the polls?—A. Of course not; our instruction was that we could not do it.

Q. That you had no power under the law?—A. That we had no power under the law to make any transfer, or transfer anybody if they had neglected to transfer. We had this strict rule, that if there was 283 a man there who had never registered we could register him, because he could not register anywhere else.

Q. But if he had been registered and removed from his place—from the place where he had registered at—you had no power to give him a transfer on election day?—A. We had not, sir; no, sir.

Q. That was the law of the State?—A. Certainly.

Q. And that rule was uniform with all the judges at all the polls in the city of Saint Louis?—A. Well, I couldn't testify to that; it was in our poll.

Q. Well, at all other polls that you know of?—A. It ought to be; I

didn't get around that day, because my business was there at that poll.

284 Q. Wouldn't you think it ought to be?—A. Yes, sir; because the law says so.

Q. And has been so for years?—A. I don't know exactly when that law was made, but I know we had a sheet there on which it said we couldn't make any transfer of anybody who were registered before. I suppose a man that had been of age the day before the election, if he had sufficient proofs that he was twenty-one years of age, we could go and register him, and make a citizen out of him, and take his vote.

Q. But if it was a citizen who had registered you had no power 285 to transfer him?—A. Certainly not.

Q. You had no doubt about that rule?—A. Of course not.

Q. You are a Republican?—A. Certainly.

Q. And you applied that rule to Republicans as well as Democrats?—A. It didn't make any difference who it was.

Q. It didn't make any difference what the politics of the man was if he failed or neglected to transfer; you put him under the general rule, and informed him that if he had registered it was without your power to transfer him?—A. It was our duty. We had swore in the morning to do our duty—at least I understood it that we must be impartial.

286 Q. And this rule operated on everybody and people of all politics?—A. Yes, sir.

Q. And was a general rule?—A. Yes, sir.

Q. Not only there, but throughout the city?—A. Yes, sir.

Q. And had been so on previous elections?—A. I couldn't swear about its being so throughout the city.

Q. Had you ever been a judge before, Mr. Reipschlaeger?—A. Yes, sir.

Q. And at the previous election the same rule was put into force?—A. In the office where I was, yes, sir.

Q. Had you been a judge of election prior to the one of which 287 you now speak?—A. Yes, sir.

Q. And the same rule was enforced?—A. Yes, sir.

Q. And operated upon all parties?—A. Those that lived in that precinct, yes, sir.

Q. Where they had been registered and failed to get their transfer?—A. Certainly.

Q. You couldn't transfer them at the poll?—A. No, sir.

Q. And no judge could do it under the law?—A. I should think not, but they might have done it for all I know.

By Mr. POLLARD:

Q. What did you do, Mr. Reipschlaeger, with those ballots that were taken under protest?—A. Well, I think there was some mis-understanding about those ballots; I think our supervisor made a mistake there; those ballots were put in an envelope where was printed on "rejected ballots." Those ballots were put in the same box with the counted ballots, that is the ballots that was counted by the judges and were sent to the city hall.

Q. What did you do with that one "Chronicle ticket;" you say you had one Chronicle ticket?—A. Yes, sir.

Q. What was done with it?—A. It was put in that same box but not counted.

Q. Put in the same envelope with the "rejected ballots"?—A. No, sir; I think we strung it up.

But you didn't count it, you say?—A. Yes, sir; we strung it up.

By Mr. DONOVAN:

Q. You put it up on the same list with the counted tickets and ted it?—A. Yes, sir.

But you had a discussion about it?—A. Yes, sir.

By Mr. POLLARD:

What did you say just now? Was that ticket counted?—A. No,

By Mr. DONOVAN:

There were how many Republicans and how many Democratic es and clerks at that poll?—A. I think they was equally divided.

There were two judges?—A. Yes, sir.

Republican judges?—A. Yes, sir.

Q. You were the only one that insisted that the Chronicle ticket ought to be counted?—A. I did not insist on it.

Q. You were the only one that thought it ought to be counted? Yes, sir.

But the other judges, Democratic and Republican, thought it was se fraud and deception upon the voters, and ought not to be ted?—A. No one said no such thing.

Will you please state what discussion you had in regard to this liar ticket?—A. I had only one discussion, with one man.

Was he your Republican brother?—A. No, sir; he was a Demo-

Did you have any discussion with a Republican judge?—A. I did

But you all talked about the ticket among yourselves?—A. Yes, sir.

Q. And all but you thought that it was a base deception to present such a ticket to voters at the polls?—A. Well, they t think so, but they didn't state anything like that.

But you didn't agree with them in that view?—A. No, sir; I tot.

You thought that inasmuch as Mr. Sessinghaus's name was on ticket why it ought to be counted, whether they regarded it as a l or not?—A. If I had thought that I wouldn't have insisted upon ing counted, but I did not think that; I thought it was a perfect vote.

You regarded that it ought to be counted, but all of the judges, Re- publican and Democratic, at that poll thought it ought not to be counted, because it was a fraud upon the voters in that district.

—A. I couldn't give you any answer other than I have already a you; I don't know what the other judges thought—the Repub- judge and the two Democratic judges—because I had no conver- n about the ticket with them.

But they differed with you in your view in regard to that Chroni- icket?—A. I have just said that I had on conversation with them t that.

I understand you to say that you had a conversation?—A. With [had.

But, of course, you all talked about the ballot before it was put in the box?—A. We had no business to look at the ballots before we took them out of the box.

Q. You did talk about it when it came to the end of the hour when the box was opened?—A. Yes, sir.

Q. And they all agreed that a ticket that was as base a fraud as that should not be counted, and you were the only one that disagreed in regard to that subject?—A. Because there was only two there; the other ones couldn't disagree, because they was not there.

Q. Your brother Republican was there, was he not?—A. No, sir; he was not when we took the votes.

Q. When you came to count the ballots he was there?—A. We had a right to count them votes every hour according to law.

Q. And you called them all over at the close of the polls?—
294 A. Certainly we did.

Q. And you were all there?—A. Yes, sir.

Q. And they all agreed that that "Chronicle ticket" was one that was calculated to deceive voters under the law and should not be received; all agreed to that proposition, both Democrats and Republicans, except yourself?—A. I didn't ask my Republican friend there, who was judge; they had agreed upon it, and consequently I didn't ask any questions.

Q. But you were the only judge that voted to receive?—A. We didn't took any vote on it at all.

Q. But you were the only one that insisted that it should be received?—A. I did not, sir; I did not insist.

295 Q. You were the only one that suggested that it ought to be received?—A. I said that my opinion was that it was a legal vote, but as I was not sure they had better not count it.

Q. And you were the only one that made such a suggestion in regard to that base fraud?—A. I made such a remark; yes, sir.

Q. And thereupon it was not counted?—A. It was not counted.

By Mr. POLLARD:

Q. What were the politics of the register there on that day?—A. Well, I couldn't state under oath what his politics were; but I know this much, that he came there in the morning, when we opened the polls, at six o'clock, with a paper, signed by Andrew J. Clabby, 296 of the criminal court, stating that he had taken the oath of a registering officer, and could fill the position of registering officer in that precinct.

Q. Did he live in that precinct?—A. I think he does, the way I heard.

By Mr. DONOVAN:

Q. Why did you state this in answer to Mr. Pollard's question?—A. He put me the question and I answered it.

Q. You don't know what his politics were?—A. No, sir; I do not.

Signature waived.

297 HERMANN ASTROTH, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name, sir?—Answer. Hermann Astroth.

Q. Where do you live?—A. Southwest corner of Sixteenth and Sullivan avenue, formerly Lucas street.

Q. You were one of the judges at election precinct 148 on last election day?—A. Yes, sir.

Q. Do you remember, Mr. Astroth, how many ballots were received and counted by the judges for Mr. Frost on that election day?—A. Yes, sir; I remember them.

Q. How many?—A. Fifty-two for Frost and 149 for Sessinghaus.

Q. That was the return made by the judges and clerks to the city hall?—A. Yes, sir.

298 Q. How many Chronicle tickets were received there that day?—

A. I seen one ticket there that day.

Q. Was that counted?—A. It was not counted.

Q. Do you know, Mr. Astroth, whether there was not a large number of people applied for special registration on that day; for registration there, on that day, at that poll?—A. Yes, sir.

Q. Men who wanted to be registered there?—A. Yes, sir; a good many.

Q. Do you know whether they were all registered or not; all those who offered to be registered?—A. No, sir; I don't think they were.

(Mr. Donovan, counsel for contestee, objects to such an indefinite investigation, because the witness cannot tell whether they were 299 Democrats or Republicans, or whether they were entitled to register or not, or whether they were living at that precinct or three or four miles south of the city.)

By Mr. POLLARD:

Q. Do you know Mr. A. Landon?—A. No, sir.

Q. Do you know whether he offered to vote that day?—A. No, sir; I can't tell; I didn't pay any attention to that. I was standing at the window and putting the number on the tickets. I might have put the ticket in the box.

Q. Do you know William Springer?—A. I know him by sight.

Q. Do you know whether he applied to vote there?—A. Yes, sir; I know that he applied to vote there.

300 Q. Did he vote?—A. He voted under protest.

Q. Why under protest?—A. Because his name was not on the poll book.

Q. His name had been scratched off, erased?—A. Yes, sir.

Q. Did you have a list of names there which had been erased?—A. I don't remember; I didn't attend to the books.

Q. Do you know how many rejected ballots there was sent to the city hall in that same box with those that were counted from that precinct?—A. I think there was 17.

Q. Do you know who those ballots were for for Congress, Sessinghaus or Frost?—A. No; I couldn't tell you that.

Q. You don't remember how many were for each?—A. No; I 301 know a good many of them though that were Republicans, and voted for Sessinghaus.

By Mr. DONOVAN:

Q. That is your opinion that they were Republicans?—A. Yes, sir.

By Mr. POLLARD:

Q. You saw these ballots; they were all taken out and looked at?—A. I didn't see the ballots right after; my partner took the ballots and put them on the string.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. There was one Chronicle ticket voted there?—A. Yes, sir; one Chronicle ticket was voted there.

Q. Do you know whether Republicans and Democrats were not on that Chronicle ticket?—A. I don't remember. I do remember that Sessinghaus was on it.

302 Q. But there was Democratic names on it also?—A. I don't remember any more.

Q. Well, there were Democrats and Republicans on the Chronicle ticket?—A. I suppose they were mixed.

Q. It was a ticket that would confuse voters?—A. Yes, sir; it was a mixed ticket.

Q. And you all came to that conclusion?—A. Yes, sir.

Q. And wouldn't count it?—A. No; we didn't count it.

Q. You are a Republican yourself?—A. Yes, sir; I am.

Q. And you didn't think it was fair?—A. No; I didn't think it was very fair that a ticket like that should be allowed to be voted.

303 Q. Therefore you couldn't agree upon it?—A. I don't know what they done with it; I was sitting there at the window.

Q. You didn't think it was, yourself, a fair thing to count a ticket that was calculated to deceive voters?—A. It didn't look like a very fair ticket.

Q. And you were a Republican judge at the polls?—A. Yes, sir.

Signature waived.

304 J. M. THOMPSON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. J. M. Thompson.

Q. Where do you live?—A. Live on Belgrave avenue, in West Saint Louis.

Q. Is your house numbered?—A. No, sir.

Q. Between what streets or avenues is it?—A. Between Victoria and California, I think. California is not opened yet there; we generally speak of it as north of Victoria.

Q. How long have you lived there, Mr. Thompson?—A. I have lived there three years next June.

Q. How long have you lived in the city, Mr. Thompson?—A. About 12 years.

Q. How old are you?—A. Forty-six.

305 Q. Were you born in this country?—A. I was born in Pennsylvania.

Q. And always resided in the United States?—A. Yes, sir.

Q. Did you ever register, Mr. Thompson, at the city hall?—A. Yes, sir; I believe I did several years ago.

Q. Did you register after living at your present place of residence?—A. No, sir.

Q. Did you ever obtain a transfer while living at your present place of residence?—A. No, sir.

Q. Where did you reside when you last registered?—A. About 200 yards from my present residence, on the Saint Charles Rock road.

Q. In the same block?—A. No, sir; in an adjacent block; in the block north of the other.

306 Q. Did you go to the polls on election day?—A. I did.

Q. Did you vote?—A. I did not.

Q. Why?—A. My vote was refused on the ground of not being registered.

Q. Was this place where you had resided when you were registered in the same voting precinct with the place where you now reside?—A. Yes, sir.

Q. What ticket did you offer to vote at the polls, Mr. Thompson?—A. Republican ticket.

Mr. Donovan, counsel for contestee, refuses to cross-examine the witness, on the ground that it is a perfect waste of time to interrogate witnesses who, like Mr. Thompson, had made a change of residence and neglected to transfer, because the rule has been universal at all polls and at all elections for years past in this city; it has operated upon Republicans and Democrats alike, and counsel for contestee does not wish to be put to the trouble of bringing up an illegal number of Democratic voters, and does not propose to do so, because the law is plain on the subject.)

Signature waived.

ABNER SHELTON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

- Question. What is your name?—Answer. Abner Shelton.
 Q. Where do you reside?—A. Elleardsville.
 Q. Whereabouts?—A. On Belgrade avenue.
 Q. Between what streets, or near what street?—A. Near Parson street, I think.
 Q. How long have you lived there?—A. I have been living there seven years.
 Q. How old are you?—A. Twenty-three.
 Q. Did you ever register at the city hall?—A. Yes, sir.
 Q. When?—A. About three years before the last election.
 Q. Did you go to the polls on election day?—A. Yes, sir.
 Q. Where were those polls?—A. Near the Rock road.
 Q. On what street?—A. Near Belgrade.
 Q. On the Rock road near Belgrade?—A. Yes, sir.
 Q. Which side of the street, north or south?—A. North.
 Q. Did you vote on that day?—A. Yes, sir.
 Q. What ticket did you vote?—A. I voted the Republican ticket.
 Q. You voted the Republican ticket, did you?—A. Yes, sir.
 Mr. Donovan, counsel for contestee, objects to this manner of leading the witness and instructing him what to say.)

By Mr. POLLARD:

- Q. What did they do with your ballot; did they put it in the box; did they count it or not?—A. I don't know whether they counted it or not.
 Q. Is there any other man named A. Shelton living at that same place?—A. No, sir.
 Q. Are there any other men, named Shelton, living in that neighborhood, there?—A. Yes, sir.
 Q. Who?—A. Boon Shelton and Isaac Shelton and Nathan Shelton.
 Q. What are they, your brothers?—A. Yes, sir.
 Q. Are they all your brothers?—A. Yes, sir.
 Q. Was your father living there?—A. No, sir; my father is dead.
 Q. Is there any Abner Shelton, living near there, that you know of?—A. No, sir; not no other lives in Elleardsville.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. What year were you born in?—A. I don't know what year.
 Q. You are very youthful looking, are you not?—A. Yes, sir; I look very young.
 Q. You don't know what year you were born in?—A. No, sir; I don't know what year I was born in.

Q. If you don't know the year in which you were born, how can you tell your age—guess at it?—A. No, sir; I know—I forget what year it was—what year I was born in.

Q. You don't seem to me to be over 18 years of age; can you swear that you are more than 18 years old?—A. Yes, sir.

Q. And don't know the year you were born in?—A. I don't know.
312 Q. How can you swear that you are 23 years of age, when you don't know the year in which you were born?—A. I knowed it, but it has went out of my mind.

Q. Well, can you think for a few moments and recollect the year in which you were born? [Pause.] I only ask you this question, because your appearance is very youthful, and you don't seem to me to be a boy of over 16 or 18 years of age.—A. I can't think.

Q. Who brought you here?—A. There was a notice come up yesterday for me to come down.

Q. Did you see the man that brought it?—A. No, sir.

Q. He just left it at your house?—A. Yes, sir.
313 Q. Did he leave any others there?—A. No, sir; none others but this one.

Q. Well, you didn't vote on election day there, did you?—A. I voted.

Q. And your vote was put in the box?—A. Yes, sir.

(The witness is then dismissed, and leaves the room, but is immediately recalled by counsel for contestant, and again placed on the witness-stand and further examined.)

By Mr. POLLARD:

Q. Did you put your name, or was your name put, on the back of this ticket that you voted there that day?—A. Yes, sir.

By Mr. DONOVAN:

Q. You have been out in the hall since you were discharged?—A. Yes, sir.

314 Q. Who told you to say that?—A. I knowed it, but when I was here I forgot to tell you.

Q. But this gentleman here, Mr. Wiesehahn, told you to say that?—A. Yes, sir.

Signature waived.

315 SAMUEL KLEINSCHIMDT, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Samuel Kleinschmidt.

Q. Where do you live?—A. 1723 North Market street.

Q. How long have you lived there?—A. Well, I couldn't say exactly; a few years.

Q. About how many years is it; two or three or six or how many?—A. I have lived there anyhow two years, and then I have been out of the city one year.

Q. Before that time or since that time?—A. Since that time I was living there two years, and then I left the city for a year, and got back last August.

Q. Where were you living when you were away from the city?—
316 D. id you go out of the State?—A. Yes, sir; out of the State.

Q. What were you doing?—A. I was clerking for a dry-goods house.

Q. How old are you?—A. Twenty-three last August. I got back last August; I left last June a year and got back last August; that is, I will be twenty-three next August—I say twenty-two last August.

(Mr. Pollard, counsel for contestant, withdraws witness at this point, it being evident that he is not a qualified voter.)

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Tuesday, February 15, 1881; then to be continued at the same place at the hour of half past nine o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 15.

1 Pursuant to adjournment, as above stated, on the 15th day of February, 1881, at the hour of half-past nine o'clock in the forenoon, I continued the taking of these depositions as follows:

FREDERICK HOWARTH, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Frederick Howarth.

Q. Where do you live?—A. I live on 2019 North Tenth, between Chambers and Madison.

Q. How long have you lived there?—A. I have lived there about six months, I presume.

Q. Six months now?—A. Yes, sir.

Q. When did you go there?—A. I don't know the day of the month I moved there.

2 Q. What month?—A. I don't know the month. I lived in there about six months.

Q. How long have you lived in the city?—A. Close on to six years.

Q. How old are you?—A. Thirty-five years old.

Q. Were you born in this country?—A. In England.

Q. How long have you been in the United States?—A. Twelve years the 27th of next October.

Q. You have been naturalized?—A. Yes, sir.

Q. Have you ever registered at the city hall?—A. Yes, sir.

Q. How long ago, Mr. Howarth?—A. I registered the first time there about three years ago.

Q. Did you go to the city hall since you have lived at 2019 North Tenth, to get a transfer?—A. Yes, sir; here is my transfer, the ticket that they gave me; here it is. (Handing ticket to counsel for contestant.)

3 Q. How long before the election did you get this?—A. I believe it was somewhere about a month. I voted for school director between the time.

Q. After you moved to 2019 North Tenth, you voted for school director?—A. Yes, sir.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. What polls?—A. I think it is seventy-two (72).

Q. The one designated on this paper?—A. Yes, sir.

Q. Where were they located?—A. I believe it was on Ninth and Webster.

Q. Well, did you vote?—A. They took my ticket, but they wouldn't put it in the ballot-box.

Q. Did they find your name on the list?—A. It was stricken off; I seen it myself.

4 Q. That is on the poll book that they had there?—A. Yes, sir.

Q. What ticket did you vote, Mr. Howarth?—A. Republican ticket.

Cross-examination by Mr. DONOVAN:

Q. What sort of a ticket was it, was it a Chronicle ticket?—A. No, sir; a regular Republican ticket.

Q. When did you obtain that paper—that transfer?—A. I got it at the time that I got the transfer.

Q. When was that?—A. I couldn't say the day of the month.

Q. I don't ask you for the day of the month; I ask you for the year.—A. I haven't got it this year, last year.

Q. How often have you moved since you got that transfer?—
5 A. I haven't moved at all, sir; I live in the same place where I got transferred to.

Q. Upstairs or downstairs?—A. Downstairs.

Q. You can't tell me how long ago you obtained that paper?—A. No, sir, I couldn't; it was about somewhere about six weeks or two months before the election.

Q. Did you know the judges at the polls?—A. No, sir; I didn't know any one there.

Q. What did they say to you when you went there?—A. They said my name was stricken off the list.

Q. Do you know how it happened to be stricken off the list?—A. No, sir.

Q. What is your business?—A. I am a laboring man.

Q. Are you married?—A. Yes, sir.

Q. You say you are a laboring man?—A. Yes, sir; well, I work 6 hard all my life; now I am laboring with bricklayers.

Q. How long did you stay at the polls on election day?—A. I didn't stay there but about a quarter of an hour; they took me inside of the polls.

Q. What did you do when you went in there?—A. I was only in there to see whether they would take my vote.

Q. You were invited in there by the judges?—A. Yes, sir.

Q. And you went in there to see whether your vote would be taken or not?—A. Yes, sir.

Q. And you found it would not be taken?—A. No, sir.

Q. And that is all that you did, was to offer to vote?—A. Yes, sir.

Q. Nothing else?—A. No, sir.

Signature waived.

7 WILLIAM BELL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. William Bell.

Q. Where do you live?—A. I live on Tenth street now.

Q. Where did you live on election day?—A. I lived up there between Eleventh and Twelfth, between Carr and Biddle, on the east side.

Q. Which street; on Tenth—1112 Tenth street?—A. Yes, sir.

Q. How long had you lived there before the election?—A. About two months.

Q. How long have you lived in Saint Louis?—A. About thirteen years.

Q. How old are you?—A. I guess I am about between thirty 8 and forty; somewhere along in there.

Q. You are a colored man?—A. Yes, sir.

Q. You were born in the United States?—A. Yes, sir.

Q. And you have always lived here?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. Yes, sir.

Q. When were you registered there; where were you living when you were registered?—A. I was living at that same place.

Q. Do you mean that you got transferred, or that you registered there; when did you register?—A. I registered there about a month or two before I was transferred from that place.

Q. Where were you living when you registered; when you went to the city hall and was sworn in and subscribed your name?—A. 9 I was living on 1112 North, between Biddle and Carr; I was living there when I was first registered.

Q. Did you live there on election day?—A. No, sir; I was transferred from that place.

Q. Where did you live on election day?—A. Down here on Tenth; I don't know the number exactly now; I did know at that time.

Q. Well, before the election, then, you went to the city hall and got a transfer from 1112 North Tenth to where you then lived?—A. I went to carry it there. I carried it there and they gave me a strip of paper.

Q. At the city hall?—A. Yes, sir; and I took that strip of paper back there when I was transferred, and they told me my name was not on the book.

Q. At the city hall?—A. Yes, sir; and they tore the paper up; I stood there for a while, and there was some more getting their names on the book there, so I stood there a while, and then I asked them was my name on the book, and they says, "Yes; you are all right, go ahead." I can prove that.

Q. They said "go ahead"?—A. Yes, sir.

Q. Now, did you go to the polls on election day?—A. Yes, sir.

Q. To what polls?—A. To the polls up above me there; 905 I think it is.

Q. 905 on what street?—A. On Carr, somewhere there, or Biddle.

Q. Do you remember exactly where these polls were?—A. No, sir; not right exactly; I don't know; I just went to them; I didn't look for them at all.

Q. What street were they on?—A. I think it was on Biddle; they said it was the polls, so I didn't pay any attention much.

11 Q. It was either Carr or Biddle?—A. Yes, sir; either one of the streets; I know that certainly.

Q. Which side of the street was it on—was this poll on?—A. It was on the east side, I think, where you went in; I was in a big hurry that morning.

Q. But if it was on Carr or Biddle it would have to be on the north side or the south side; it couldn't be on the east side?—A. It was on the north side.

Q. Which way from the house was this poll? Did you go south or come north?—A. I went north.

Q. Now, did you find your name on the poll book when you went to the polls?—A. No, sir; they didn't find it there; they said they looked and didn't find it; then they told me to run on down to the city hall, which I did, and I went there and staid there pretty near all day. They told me it was no use. I was there until ten or nine o'clock before any one come there at all to open the office. There was a lot of us there, and the house was chock full, so I couldn't get in until long after dinner. Then they told me it was no use. They said I couldn't be registered there now.

Q. That is, you couldn't get a transfer that day?—A. Yes, sir.

Q. Did you go back to the polls again?—A. Yes, sir.

Q. What did you do then?—A. They told me it was no use to come there they couldn't do nothing for me; it was no use.

Q. Did you offer to vote?—A. Yes, sir.

Q. What ticket did you offer to vote?—A. Yes, sir.

Q. What ticket did you offer to vote, Democratic or Republican ticket?—A. Republican, sir.

Q. Straight?—A. Yes, sir.

13 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Since you had registered you had removed, and it was for that reason that you went to the city hall to get a transfer and couldn't get it?—A. I went there because I wanted to get a transfer, and I took the strip of paper along for to show that I had registered.

Q. But you didn't get a transfer?—A. No, sir; that is what they told me.

Q. Why did you neglect it?—A. Because there was too great a crowd there.

Q. And you couldn't afford to wait?—A. No, sir; I waited four or five hours there.

Q. You didn't go up to the office to obtain a transfer?—A. I staid there to get it.

Q. I know you staid there to get it, but there was too great
14 a crowd, and so you couldn't get it?—A. They asked me the question, and I told them; I asked them back again was my name on the book; they said yes to that; I was all right, and I come on away.

Q. You asked them if your name was on the book, and they went and looked and said yes, it was, and you went away?—A. Yes, sir.

Q. And that is all that you did there?—A. Yes, sir; that is all I done there; there was nothing else for me to do there.

By Mr. POLLARD:

Q. Did you tell them there that you had moved since you lived at the place that was named on this little paper that you had?—A. Yes, sir.

Q. Did you tell them where you had moved to?—A. Yes, sir.

Q. And they said it was all right?—A. Yes, sir; they told me
15 it was all right.

By Mr. DONOVAN:

Q. Is the place that you formerly lived at, and the place that you registered from in a different polling precinct from the place that you lived at on election day?—A. On election day I had done moved from the place where I was when I got registered, and they gave me a strip of paper there to show when I moved. They told me—a white gentleman told me—I had better carry it down and have it referred.

Q. Transferred, you mean?—A. Yes, sir; transferred. I carried it, and staid again for about two or three hours, or at least I got off, went home, and hunted up the paper that I had transferred before.

Q. And you asked the gentleman if that paper was all right?—
16 A. No, sir; I handed him that, and told him that I had done moved. He then looked at the paper and says it is no 'count, and tore it up.

Q. That was a strange proceeding; why was that done?—A. I don't know, sir; but it was done, sure.

Q. Did you see anybody else's paper torn up on that day?—A. No, sir.

Q. Why was your paper torn up?—A. There was several of them tore up, for they told me so; they told me it was no 'count.

Q. That is, it was of no account if you had removed?—A. No, sir;

they said my name was not on the book ; they hunted, and hunted, and hunted, and says it was not on the book. That gentleman standing there knows it is so. [Witness refers to Mr. Smith.]

Q. So you made no transfer ?—A. No, sir.

Signature waived.

17 ALEX. HEIGLE, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD:

Question. What is your name ?—Answer. Alexander Heigle.

Q. And where do you live, Mr. Heigle ?—A. 1724 Biddle street.

Q. How long have you lived there ?—A. Two years last November.

Q. How long have you lived in the city ?—A. I come here 1870, 6th day of December. I have been in the country once in a while.

Q. But how long have you lived here continually ; how many years since you have lived here ? Have you been out in the country any length of time ?—A. Three years.

Q. How long have you been in the United States ?—A. Thirty years next 24th of April.

18 Q. How old are you now ?—A. I will be 40 next March.

Q. Did you ever register at the city hall, Mr. Heigle ?—A. No, sir.

Q. Never did register at the city hall ?—A. No, sir.

Q. Did you go to the city hall for the purpose of registering ?—A. I did.

Q. When ?—A. About three or four weeks—something like that—before the election.

Q. Why didn't you register ?—A. I registered once at the polls on Wash street four years ago, and I went there, told them my name was there, to be transferred, but they said I was dropped from the list.

Q. They said your name was not on the list ?—A. Yes, sir.

Q. Did you register then ?—A. No, sir ; he told me to come back and bring my papers.

19 Q. Did you go back and bring your papers ?—A. No, sir.

Q. Did you go to the polls on election day ?—A. I went to the polls, and I asked if my name was there ; they said it was not.

Q. What polls did you go to ?—A. 1724 Biddle.

Q. The same place where you lived ?—A. Just opposite.

Q. I thought you said that you lived there ?—A. I lived upstairs, in the second story.

Q. You went down there and offered to vote on that day ?—A. I just asked them if my name was there, because there was a man came around —there was three of us working together—they did not vote ; they said that they tried everything, but they couldn't vote, and couldn't transfer. What I was saying a moment ago was, that there was a man come around and said he would take this vote.

20 Q. You went down to the poll that day ; did you offer to register at the poll ?—A. I did not.

Q. Did you offer to vote ?—A. No, sir.

Q. Did you go to the polls for the purpose of voting, if your name had been there ?—A. Well, if my name had been there I would have took a ticket and voted.

Q. What ticket would you have proposed to vote ?—A. Regular Republican ticket.

(Mr. Donovan, counsel for contestee, objects to this testimony as *

positive waste of time, since the gentleman did not either offer to register or offer to vote, and having been previously registered had not obtained a transfer; it is a useless waste of time to examine witnesses such as this one.)

By Mr. POLLARD:

21 Q. Where did you live when you registered at the poll?—A. 1006 North Twelfth street.

Q. That is some three or four years ago?—A. That is four years ago.

Q. Have you ever lived out of the city since that time?—A. One year; yes, sir.

Cross-examination declined.

Signature waived.

22 DAVID A. MARKS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. David A Marks.

Q. Where do you live?—A. I live at 3231 Sheridan avenue; 3231 or 3221. I haven't got the number in my head just now. I should say it was 3221 Sheridan.

Q. That is on the north side of Sheridan, between Webster and Easton?—A. Yes, sir.

Q. How long have you lived there?—A. From about the first of October last.

Q. How long have you lived in the city?—A. Ten years; and in that neighborhood all the time.

Q. How long have you lived in the State?—A. Ten years.

23 Q. How old are you, Mr. Marks?—A. I am thirty-three years old; will be soon.

Q. You were born in the United States?—A. I was born in Pennsylvania.

Q. And you have always lived in the United States?—A. Yes, sir.

Q. Have you ever registered at the city hall since you lived in the city?—A. Yes, sir.

Q. How long ago?—A. Well, I couldn't answer that question exactly.

Q. Well, was it prior to this last election?—A. Yes, sir.

Q. Not immediately prior to the last election?—A. No, sir.

Q. Then it was some years ago?—A. No, it is not more than two years ago.

24 Q. Where were you living when you did register at the city hall?—A. On Spring avenue, on the east side of Spring avenue, south of Saint Louis avenue; the streets are not put through there.

Q. Did you get a transfer from that place to where you now live?—A. No, sir.

Q. Then you never did get a transfer?—A. No, sir.

Q. Did you go to the polls on election day?—A. I did.

Q. What poll?—A. The poll is on the north side of Easton avenue, just west of Webster, I believe.

Q. Did you offer to register on that day at the polls?—A. Yes, sir.

Q. Did you register?—A. I did not.

Q. Why not?—A. They told me that I would have to go to the city-hall.

25 Q. Did you go to the city hall?—A. I did.

Q. What did you do?—A. I didn't find the doors open anywhere.

Q. You couldn't get in?—A. No, sir.

Q. Consequently got no transfer?—A. I got no transfer.

Q. Did you go back to the polls?—A. I did.

Q. Did you vote?—A. I deposited a ballot there.

Q. What did they do with it?—A. Just stated that they would take it under protest, or some such statement as that, and if the election was close it probably would be counted, otherwise it would not.

Q. And whether it was counted you don't know?—A. No, sir.

Q. What ticket did you vote?—A. Well, I scratched my ticket considerably.

Q. Did you or did you not vote for Mr. Sessinghaus?—A. I did vote for Mr. Sessinghaus.

26 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do you know what was done with your ballot?—A. I answered that question as good as I could before; the judges said they receive it and put it in an envelope, I think. I am pretty positive of that; they put it in a pretty large envelope.

Q. Why did you neglect to transfer?—A. I was out of the city for a short time previous to the time that the transfer books was closed.

Q. It was a universal rule throughout the city, was it not, that people who had previously registered and moved had to obtain a transfer at the city hall?—A. I didn't know whether that was the fact or not unless you moved out of the ward. I was living in the same precinct.

27 Q. But you had moved from one ward to another?—A. No, sir; only from one precinct to another; never moved outside of the ward.

Q. But it is a universal rule and applied by all judges and all parties, that a transfer was necessary, was it or was it not?—A. That is a question I can't answer; my impression was from what I saw published in the Globe-Democrat the day previous to the election that any-

body who could bring sufficient witnesses to the polls to prove that he was entitled to vote could be registered at the polls; I said to the judges—one or two of them was well acquainted with me—at the polls, that if necessary I could bring sufficient witnesses to show that I was entitled to vote, and some of the judges said there was no necessity for that, and they took the vote the way I have stated.

28 Q. But they told you, did they not, that the rule was at all polls and at all elections held in the city for years past that where a person had been previously registered and neglected to obtain a transfer, their vote could not be received at the polls?—A. They positively refused to receive my vote and told me to go to the city hall—to register at the city hall and transfer.

Q. And you didn't get it?—A. I went there but I couldn't get in.

Signature waived.

29 Wm. B. ALVORD, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. William B. Alvord.

Q. Where do you live, Mr. Alvord?—A. I live at 1353 Garrison avenue.

Q. How long have you lived there?—A. Somewhere about four or five years, sir.

Q. How long have you lived in the city?—A. Twenty-one years, sir.

Q. How old are you?—A. I was seventy-eight years old last Sunday.

Q. You were born in the United States?—A. Yes, sir; I was born in the United States.

Q. And you have always resided here?—A. Yes, sir; I have always resided here.

30 Q. Have you ever registered at the city hall, Mr. Alvord?—A. I have, sir.

Q. Had you registered at the city hall while you were living at 1353 Garrison avenue; you had registered since you lived there?—A. No, sir; I had not registered since I lived there.

Q. Had you obtained a transfer from the city hall to 1353 Garrison avenue since you moved there?—A. I had.

Q. When did you obtain that transfer?—A. I think it was in the fall of 1876.

Q. Before the last presidential election that was?—A. I have been registered at—I don't know the number—probably 2729 Thomas street; it was immediately on the corner of Thomas and Clay avenue; that was probably in the spring; in the course of that summer, in 31 August, I think, we moved to where we are now living, 1353 Garrison avenue, and I went to the city hall and had the registration transferred.

Q. Now, did you go to the polls on last election day, on the second of last November?—A. Yes, sir.

Q. Where were those polls, Mr. Alvord?—A. On Easton avenue, near Webster

Q. Just west of Webster?—A. Yes, sir.

Q. Did the judges find your name on the polling book there?—A. The judges ascertained that my name was erased from the registration.

Q. Consequently you did not vote?—A. Consequently I did not vote.

Q. Did you offer to vote?—A. I offered to vote; the judges of election, after an explanation had been made, seemed to conclude that it was evidently a mistake that my name was erased, and advised 32 me to go to the registration office at the city hall and have the mistake rectified.

Q. Did you go?—A. I went.

Q. What did you do?—A. And when I got there there was probably from forty to fifty others, who seemed to be in the same condition that I was; and some ten or fifteen minutes after nine o'clock in the morning a gentleman came up and announced, "Gentlemen, I can do nothing for you; my office is not open." I learned it was Mr. Gonter. "I can do nothing; I have got no clerks here, and nothing of the sort." My situation was explained to him by my son; and he finally said he would see if he could get into his office by going around through a hall into the back office; and that was the last I ever saw of him. I 33 waited there some half an hour or more, and then went off to my business.

Q. And didn't go back to the polls?—A. Yes, sir; I did.

Q. What did you do there?—A. I went down to the office until dinner time; and after dinner I went up to the polls again with my ticket,

and with my name written on the back of it. I offered that ticket as my vote, and demanded that it should be received. The judges of election refused to receive it; they would take it and put it in an envelope and submit it to the supervisor of registration. I demanded then that my vote should be taken on my oath; they declined to take my vote on my oath. I asked them if they had not a registrar there. They told me that they had, but that that registrar was there for the purpose of registering persons who had never been registered; that I had 34 been registered, but that my name had been erased; all they could do was to receive this vote and put it in this envelope, to submit it to the board of supervisors.

Q. And they did so receive it?—A. They so received it.

Q. What ticket, Mr. Alvord, did you vote?—A. I voted the Republican ticket straight.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You knew the judges there?—A. I knew two of them, sir.

Q. And they explained to you the difficulty in regard to your vote?—A. They made no other explanation than they supposed it to be a mistake, the fact of my name being erased.

Q. They would have been pleased to have received your vote if it 35 had been possible for them to do so under the law?—A. They did not say so.

Q. It is your belief, though?—A. I suppose so; of course, two of the board were gentlemen of my personal acquaintance; one of them was Mr. Delafield and the other was Mr. Blackman.

Q. You know them very well?—A. Yes, I know them; I have had personal intercourse with them.

Q. They are both gentlemen?—A. Yes, sir; as far as I know.

Q. And friends of yours?—A. Well, I have never known of their being enemies.

Q. And they took the trouble to explain to you why they could not lawfully receive your vote?—A. They told me that their instructions were not to receive a name which had been erased; that their instructions were not to receive votes upon the oath of any applicant.

Q. Where he had been previously registered and not transferred?—A. Yes, sir.

Q. And you went to the city hall to obtain a transfer, and couldn't get it?—A. Couldn't get it, sir; the transfer had been made.

Q. That is, you think it had been?—A. I know it had been made, sir, because I went there with my son afterwards; we both went there together when we had registered, and when we removed to where we now live; we went together and were transferred to the place where we are now living.

Q. Do you know who was the revising officer of your ward—this same ward that you live in?—A. I don't know, sir.

Q. Don't you know that it was Mr. Saylor, the wire merchant?—A. I didn't know that, sir.

Q. Do you know Mr. Saylor; he is a very prominent citizen out there?—A. I know him by sight, sir; never had any personal acquaintance with him.

37 Q. Do you know when he visited your house in his work of revision?—A. I do not, sir. I was not aware that he visited the house at all.

Q. You know him as a party that resides up there in the ward, and as generally a prominent citizen?—A. I don't know that I do know that he lives in the ward; I don't know where he lives.

Q. Did you take the trouble to inquire who was the reviser in that rd?—A. No, sir; I did not. I suppose the fact of having complied th the requirements of the law in the case, that that was all I had do.

Q. Now, you think that you obtained a transfer; about how long ago was that?—A. That was in 1876.

Q. How often have you moved since 1876?—A. Never since that time.

Q. Are you sure that you obtained a transfer in 1876?—A. I am sure it I went there and ordered a transfer, and my son went with me; d although I didn't look at the register itself, I know that the regis r or his clerks received the order of transfer. I had voted at other ections.

Q. Are you really sure that that transfer was made when you went ere some four or five years ago?—A. Yes, sir; I am.

Q. How do you account for your name being erased from the books the city hall? Were you out of the city?—A. No, sir; I have never en out of the city since I have been here, since 1859, and I think I ve voted at every election, both local and State, and national.

Q. How do you account for your name being off the books?—

A. I have no idea, sir; not the slightest. All I know is that they told me my name had been erased.

Q. And that by Mr. Saylor?—A. I don't know by whom.

Q. What is your business, Mr. Alvord?—A. I am a bookkeeper.

Q. You live at home all the time?—A. Yes, sir; my home is with son.

Q. Were you out of the city about that time?—A. No, sir.

Q. When were you out of the city the last time?—A. I was out of e city two or three days about the fourth of July.

Q. Between what streets is 1353 Garrison avenue?—A. Between omas and Sheridan street.

Q. That is on the west side of the street, is it not?—A. On the west le of the street, the first door south of Sheridan.

Q. You are in B. Gratz Brown's row of houses there?—A. Yes, sir.

Q. Who keeps the house, yourself or your son?—A. My son, sir.

Q. So you can't tell what information was given to the reviser when visited your house?—A. No, sir; I can't.

By Mr. POLLARD:

Q. Did your son vote on election day?—A. He did, sir.

Q. Did you ever vote at any election since you have lived at 1353 rrison avenue?—A. Yes, sir.

Q. On the transfer that you obtained?—A. Yes, sir.

Q. What is the politics of your son?—A. He is a Democrat, sir.

By Mr. DONOVAN:

Q. How old is your son?—A. He is forty-three or forty-four years l.

Q. An old gentleman?—A. He is forty-three years old last October,

Signature waived.

H. MIS. 27—44

41 FRANK WALTER, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. What is your name ?—Answer. Frank Walter.

Q. Where do you live ?—A. 1123 North Tenth street.

Q. How long have you lived there ?—A. I have lived there about six months.

Q. How long have you lived in the city ?—A. In the city I have lived about two years ; well, it is about three years ; I have never been out of the city ; I have been here three years steady, and I have never been out of the city in that length of time.

Q. Your home has been here for three years ?—A. No, sir ; for about eight years.

Q. But you have not been out of it for the past three years ?

42 —A. No, sir.

Q. You were born in the United States ?—A. Yes, sir.

Q. How old are you ?—A. Twenty-three years ; I was born on the first of January.

Q. Did you ever register at the city hall, Mr. Walter ?—A. Yes, sir.

Q. When ?—A. It will be about two years, I believe.

Q. Two years ago ?—A. Yes, sir.

Q. You were not living then at 1123 North Tenth ?—A. No, sir.

Q. Where were you living at that time ?—A. I was living at 1110 Broadway.

Q. Did you go to the city hall before this last November election to obtain a transfer to 1123 North Tenth ?—A. No, sir ; I was not able to do it.

43 Q. You were not able to do it ?—A. No, sir.

Q. Did you go to the polls on election day ?—A. Yes, sir ; and I registered at the polls.

Q. Did they swear you at the polls ?—A. Yes, sir.

Q. Did you subscribe your name to the book ?—A. Yes, sir.

Q. What is the reason you didn't get this transfer ?—A. I was not able.

Q. Unable from physical disease to get there ?—A. Yes, sir.

Q. Now, after you had registered at the polls, did you vote ?—A. Yes, sir.

Q. What did they do with your vote ?—A. I couldn't tell you what they did with the vote, only that I handed in my vote ; I couldn't—the supervisor took it ; I didn't see him pass it in, but I think he did.

44 Q. You don't know whether it went into the box or not ?—A. No, sir.

Q. Where is that poll ?—A. Tenth and Wash ; northwest corner.

Q. What ticket did you vote ?—A. I voted the Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. What sort of a Republican ticket ?—A. The through Republican ticket.

Q. Chronicle or straight ?—A. Straight.

Q. How far is 1110 Broadway from 1123 North Tenth ?—A. You mean from Broadway to Tenth ; well, it is six blocks—seven blocks if you take it that way ; well, you may say nearly so ; it is a little further though in Tenth street, but it is six blocks anyhow.

45 Q. It is in a different polling precinct—1123 North Tenth is in a different polling precinct from 1110 Broadway ; is it, or is it not ?

-A. I couldn't say ; they told me that I was in the right precinct when I voted there ; well, I couldn't say certain how far the precinct runs out ; they told me, I believe, it runs down to the river.

Q. That is, the whole ward runs down to the river ?—A. No, sir; the whole precinct.

Q. Well, what have you got to say in answer to the question whether 110 Broadway and 1123 North Tenth are in the same precinct ?—A. Well, I can't say that it is.

Q. You know, of course, they are not, being six blocks apart ?—A. I don't know anything about it, whether it is or not ; I couldn't swear o that.

Q. When you moved from 1110 Broadway to 1123 North Tenth into a different precinct you did not notify the authorities at the city hall of the fact of your removing ?—A. No, sir.

Q. And obtained no transfer ?—A. No, sir.

Signature waived.

7 CHARLES THOMAS, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. What is your name ?—Answer. Charles Thomas.

Q. Where do you live ?—A. Live 1105 North Tenth.

Q. How long have you lived there ?—A. I have been living there not quite five years.

Q. How long have you lived in the city ?—A. I have been here ever since 1874, I think it was.

Q. How old are you ?—A. I am going on twenty-seven.

Q. You are a colored man ?—A. I am, sir.

Q. And always lived in the United States ?—A. I have.

Q. Did you ever register at the city hall ?—A. I did, sir.

18 Q. Was that since you lived at 1105 North Tenth ?—A. Yes, sir.

Q. Did you go to the polls on election day ?—A. I did.

Q. What polls ?—A. I went right opposite to the corner there by me.

Q. What corner is that ?—A. It is the northwest corner of Tenth.

Q. And what ?—A. Tenth and Carr.

Q. Did you vote at the polls ?—A. No, sir.

Q. Why not ?—A. They said they couldn't find my name, and I offered to prove it by some of my acquaintances there, but they wouldn't accept of it ; so, of course, as I had something to do that day, and was 49 jobbing, I couldn't stand and talk about it there. I went down to the polls on Eleventh street and they gave me the same music ; that is, my name was not in the place on election day ; so I went to my work.

Q. What ticket did you offer to vote ?—A. I offered to vote the ticket—but one ticket—and that was the Republican ticket all my life.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. Where did you live before you lived at 1105 North Tenth ?—A. When I first came to the city I lived between Eighteenth and Nineteenth and between Franklin and Morgan.

Q. How far is that from 1105 North Tenth ?—A. Well, from Tenth to Eighteenth—

Mr. POLLARD. Just tell it.

A. It is only seven squares; that is, from Tenth to Eighteenth, between Eighteenth and Nineteenth.

(Question read by the notary.)

50 Q. I think it is a mile, sir, or a mile and a quarter, close as I can realize to it.

Q. Did you ever register there from that place?—A. No, sir.

Q. What is the first time that you ever did register?—A. In this town was up on Tenth street, where I am living now.

Q. Do you live in the front or rear of 1105 North Tenth?—A. In the rear.

Q. When you went to register you gave your number as 1105 North Tenth?—A. Rear.

Q. You are sure that you gave the rear?—A. Yes, sir; I am not mistaken.

Q. Well, did you inform the gentlemen there that you lived at 1105 North Tenth?—A. I did, sir.

Q. And they registered you?—A. Yes, sir.

Q. Well, when you went to the polls you found your name was 51 not on the list?—A. I never seen it.

Q. Are you sure that you went to the proper polling precinct?—A. I went where they told me, poll fifty-four (54).

Q. Who told you?—A. They told me that was my proper place to vote.

Q. Who told you?—A. At the city hall when I was registered there.

Q. They told you that was the proper polling place?—A. They didn't tell me that was the proper polling place, but then that was the proper polling place, because I questioned around there from the directors.

Q. Who told you that?—A. Somebody that had some tickets and one thing or another; he told me that was my poling place.

Q. Did you know him?—A. I did not, sir.

52 Q. Is he a colored man or a white man?—A. I spoke to three or four, and they were both white and colored.

Q. Was it a colored man or white man that told you that?—A. It was a colored man and a white man both; both told me; I never listened to only that; I thought that was my place.

Q. If you thought that was your place why did you go to another place?—A. I went there to that place because they told me that perhaps my place was down below there; that was in the same district, and I went down there.

Q. That is, it was in the same ward, but not in the same polling precinct?—A. Something that way, sir.

Q. How many other places did you go to?—A. That is all I went to; I was doing a job and had no time to spare for any more of this foolishness.

53 Q. Well, you went there and simply offered to vote at these two different precincts?—A. Yes, sir; that is all.

Q. That is all that you offered to do?—A. That is all that I offered to do, and didn't obtain much satisfaction.

Signature waived.

54 WILLIAM PAWLEY, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. My name is William Pawley; my named is not spelled right on your subpoena.

Q. Where do you live?—A. 3140 Vineyard street.

Q. How long have you lived there?—A. About one year, sir.

Q. How long have you lived in the city?—A. I have lived in the city ever since the fourteenth of August, 1848.

Q. How old are you?—A. I am sixty.

Q. Were you born in the United States?—A. No, sir; I was born in England.

Q. How long have you lived in the United States?—A. I have lived in the United States for thirty-two years.

5 Q. Have you been naturalized since you have been here?—A. I have got my papers out, anyway.

Q. Have you ever registered at the city hall since you have lived here?—A. Yes, sir.

Q. Where were you living, then, when you registered the last time?—A. Now, sir, I couldn't say rightly.

Q. Did you get a transfer to 3140 Vineyard street since you have been there?—A. I did, sir.

Q. That was before this last election?—A. Yes, sir.

Q. Did they give you a transfer ticket?—A. No, sir; at the time that transferred they didn't give me no ticket.

Q. Did you go to the polls on election day?—A. I did.

6 Q. Where?—A. It is just west, about two or three doors, we will say, or houses, west of Webster on Easton

Q. On the north side of Easton?—A. Yes, sir.

Q. Did you vote on that day there?—A. I handed in my ticket, and it was handed back; they told me, Blackman, I think his name was, he told me that my name was stricken from the rolls; I asked him the reason, and they said they couldn't find me. "Well," says I, "the house is here, gentlemen, and I am in that house; I have never moved from that house;" some one gave me an answer; he told me to go to the city hall, which I did; I got no other satisfaction, except that I was stricken from the registration list. Then I went back again, and offered to register; they told me if I registered I could vote, but it was no good; they wouldn't count that; they told me that I could swear my vote in that day, but it wouldn't count; I went back, and I 7 talked with Lawyer Daly. I got a certificate from Gonter at the city hall to say that I was a regularly-registered voter, and properly transferred, and I took my ticket and pasted it fast to my ticket, and handed it in; whatever they done with it I don't know.

Q. What ticket did you vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Gonter gave you a certificate that you had at one time been registered?—A. Yes, sir; I had been registered; that I was a regularly-registered voter.

Q. That was the certificate that he gave you?—A. Yes, sir.

8 Q. And when you registered, where did you register from?—A. That is a thing I couldn't say, sir; I couldn't say rightly, to say the truth.

Q. And he gave you a certificate that you had registered from that place?—A. Yes, sir.

Q. And that was your first registration?—A. No, sir.

Q. You had registered before that?—A. I had registered before that.

Q. From another place?—A. Yes, sir, from another place.

Q. Do you know what other place that was?—A. I couldn't say.

Q. Don't you know the streets?—A. I couldn't say.

Q. Don't you know what part of the city it was in?—A. I couldn't say.

Q. How far was it away from 3140 Vineyard street?—A. Well, I mostly lived down town until I shifted up there on Vineyard street.

59 Q. Do you mean in the southern part of the city?—A. No, sir; I didn't go down there; I mostly lived up around Wash and Franklin and Washington avenues.

Q. Can't you form a judgment of about how far your various residences were apart?—A. Not in my registration, sir; I couldn't.

Q. How often have you moved?—A. Well, may be twenty times since I have been in Saint Louis.

Q. Can't you tell where you lived before you moved to 3140 Vineyard street, to which you hadn't obtained a transfer?—A. I can, sir.

Q. How far was it away?—A. About ten blocks.

Q. It was not in the same polling precinct, then?—A. I transferred from 2118 Division to 3140 Vineyard, about ten blocks, may be a little over, very little.

60 Q. Did you go to the city hall to transfer?—A. I did.

Q. When?—A. Well, sir, you look at the books and that will tell you.

Mr. POLLARD. Tell him as near as you can?—A. Well, may be some two or three months before the election.

By Mr. DONOVAN:

Q. Who was there when you went there?—A. Lots of them; I didn't know anybody.

Q. Any crowd up there?—A. Yes, sir; a big crowd.

Q. Just please tell us what you said.—A. I don't know anything about that; I always mind my own business.

Q. Well, that was your business, wasn't it?—A. Yes, sir.

Q. What did you say?—A. I asked them to transfer me, and I got a transfer.

Q. Who did you ask?—A. Well, now, it was not any man I 61 am acquainted with; I am not acquainted with the clerks in the office. I didn't ask the man's name.

Q. Was it somebody inside or outside of the counter?—A. Plenty of them; I suppose there was some hundred or two hundred inside and outside together.

Q. Who did you ask, the men inside or outside?—A. A clerk inside of the counter.

Q. Do you know what you said to him?—A. I asked him for to transfer me; he brought a book and I explained where I had shifted from and where I went to live, and he told me it was all right; but I got no ticket at that time.

Q. You knew that it was your duty as a citizen and as a voter to obtain a transfer when you had been previously registered?

WITNESS. What, a ticket of it? Well, sir, I did obtain a transfer, certainly.

(Question read by the notary.)

A. Yes, sir; I knew my duty; that I ought to be transferred.

62 Q. It was the duty of every voter who had been previously registered to obtain a transfer prior to election day, was it not?—A. Yes, sir; I should think so.

Q. You have lived in town since 1848 and that has been the universal

rule ever since we have had election lists, or registration lists rather?—
A. Yes, sir; I expect so.

Q. And it is a matter of public knowledge; everybody knew that—every one—even the most stupid voter, did they not?—A. Well, yes, sir. I should think they ought to know, since registration commenced.

Q. Do you live in the front or rear of 3140 Vineyard street?—A. The house is on the lot. I have the lot with my house.

Q. That is, on the rear portion of the lot?—A. Yes, sir.
33 Q. And is there a house on the front?—A. No, sir.

Q. How many people live there?—A. No one but my family; me and my five daughters they have got no mother not this six years back.

Q. Is there any number up there on Vineyard street, in that locality?—A. Well, now, sir; I couldn't say that altogether, whether there's numbers on the house or not. There is numbers there.

Q. But are they continuous, are not some numbers omitted up there?—A. I don't know where those numbers begin or let off; my postman says my number is 3140; he told me that it was 3140 before that, and that should be the number on the house.

Q. Is that number pasted on the house?—A. It is painted up there on the glass.

Q. You have had it painted there?—A. Yes, sir.
44 Q. What is the number of the house of your neighbor next door?—A. Well, that's a thing I never interfere with.

Q. Do you know whether he has got any number at all?—A. That I couldn't say, sir.

Q. Do you know who is the reviser in your ward?—A. No, sir; I do not.

Q. Do you know whether he visited your house?—A. Not to my knowledge; he never came there. No, no; he never came there.

Q. After you got moved up there?—A. Yes, sir. I asked at my house whether the reviser had come there.

Q. What did they say to you?—A. They said no one had ever come here to look for me in that way.

Q. You didn't have a conversation to that effect, did you? You didn't take the trouble to ask whether a reviser came there or not?—A. Yes, sir, I did, on election day, after putting my ballot in with a certificate from Mr. Gonter pasted on it. I went home and asked, "Now are you sure, Eliza, that any one have come here to look for my name," says I, "about the election matters and so on?" and she says, "No, no one have come here."

Q. When you were asked at the polls to go to the city hall the instruction was that you should go there to obtain a transfer?

WITNESS. At the polls?

COUNSEL. Yes, sir; that was what was told you by the judges?—A. No, sir, they didn't tell me nothing about no transfer; I had transferred long before that, six or seven months before that.

Q. I know; but they took your statement, and after hearing all that you had to say they said it was necessary for you to go to the city hall to obtain your transfer?—A. They told me to go to the city hall and see bout being stricken from the roll; nothing was said about a transfer at all.

6 Q. You did this under the advice of Thomas J. Daly?—A. No, sir; he didn't advise me at all; I was at the city hall for two or three hours, and then when the doors was open Mr. Gonter told me

that I was stricken from the rolls. I went back to the polls and called at the window—

Q. Well, did you vote?—A. No, sir; I did not.

Q. You offered to register?—A. Now, I couldn't tell; I met Mr. Daly there amongst them; I went into his office and he told me if I registered I could vote, but it wouldn't count.

Q. Why?—A. And then I was persuaded to go back again to Mr. Gonter.

Q. Persuaded by whom?—A. Mr. Daly went down with me.

Q. Mr. Pawley, I wish you would state all that the judges told you on that occasion, for the reason that you have gone back twice 67 to the city hall, and the judges at that poll were very intelligent gentlemen and supposed to act fairly with all voters of all parties. Now, can you not recall what they actually did say to you?—A. They told me what I told you before, that if I registered there I could vote, but it wouldn't count.

Q. For what reason? Just give us some sort of an idea; give us some reason that they gave to you.—A. I couldn't read their minds.

Q. But they spoke their minds.—A. Yes, sir.

Q. What did they speak?—A. I told you just the few words what they told me.

Q. How long were you talking to them?—A. May be a minute or two.

Q. Is that all?—A. That is all, sir.

Q. How long were you talking to Judge Daly, who was an active partisan in the interests of Mr. Sessinghaus and who had made speeches for him through the entire campaign?—A. I did not talk with Judge Daly at all any further than Mr. Stoddard, my boss, he took me in to get me registered and when he came outside Stoddard spoke to Judge Daly and asked him if he would come down to the city hall with me, and Judge Daly and my boss came down to the city hall with me.

Q. And then when you went back the judges told you that you would have to go down to the city hall again?—A. I went there twice only, that was the second time.

Q. What was the necessity of going back the second time?—A. We went back to see if anything was done.

Q. I fear, Mr. Pawley, that you really didn't obtain a transfer, and that is the reason that these judges at the polls would not receive your ballot?—A. I have told you the truth.

Signature waived.

70 . CHARLES JOHNSON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD :

Question. What is your name?—Answer. Charles Johnson.

Q. Where do you live?—A. I live in the rear of 1004 North Seventh street.

Q. How long have you lived there?—A. I have lived there about a year and a half.

Q. How long have you lived in the city of Saint Louis?—A. Five years.

Q. How old are you?—A. Twenty-five years old.

Q. You are a colored man?—A. Yes, sir.

Q. You were born in this country?—A. No, sir.

Q. I mean you were born in the United States. Where were you born?—A. In Tennessee.

1 Q. And you have never lived out of the United States, have you?—A. No, sir.

Q. Did you ever register at the city hall?—A. No, sir.

Q. Did you go the polls on last election day?—A. Yes, sir.

Q. What polls?—A. Fifth street near Carr.

Q. Which side of Fifth, the side next to the river or from the river?—From the river.

Q. West side?—A. Yes, sir.

Q. Did you register at the polls that day?—A. I went there to register and they told me I couldn't.

Q. Why not?—A. I don't know, sir, what was the reason.

Q. How old did you say you were?—A. Twenty-five years old.

Q. What did they say was the reason that you couldn't register?—A. They didn't say what was the reason; they just told me I couldn't register.

Q. So you didn't register?—A. No, sir.

Q. Did you vote?—A. No, sir.

Q. Did you offer to vote?—A. Yes, sir.

Q. What ticket did you offer to vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You just went up to the poll to vote?—A. Yes, sir; register and vote.

Q. What is your business?—A. Steamboating and toting hods, carrying.

Q. You have been a rouser on the river?—A. Yes, sir.

3 Q. Are you a married man, or single?—A. Single.

Q. You board around?—A. No, sir.

Q. Never boarded but in one place in your life?—A. Eh?

(Question repeated.)

A. I have lived in two places since I have lived in Saint Louis.

Q. Where was the other place?—A. On the corner of Biddle and Eighth.

Q. How far is that away from 1004 North Seventh street?—A. Well, is four or five blocks, four blocks any how.

Q. Did you ever vote?—A. No, sir.

Q. Never in your life?—A. I have voted but not here.

Q. Where?—A. In Vicksburgh.

Q. When?—A. Last summer, I think it was last summer, or the summer before last.

4 Q. This summer that has just passed?—A. No, sir; the summer before last.

Q. You lived in Vicksburgh then?—A. No, sir; I didn't live there, but I was there.

Q. How did you come to vote there if you didn't live there?—A. I was there some time, but I didn't live there. I didn't make it my home,

r.

Q. How could you vote in Vicksburgh if you didn't live there; a person ought to vote where they live?—A. I was there a while, but I didn't make that my home.

Q. Then it was your home?—A. I didn't make it my home.

Q. But you lived there while you were staying there?—A. Yes, sir.

Q. Mr. Johnson, can you give us the date at which you cast a vote in Vicksburgh?—A. No, sir; I can't.

Q. Can you come any way near it?—A. No, sir; because I done forgotten it.

75 Q. Was it last year?—A. The year before last.

Q. Who did you vote for at Vicksburgh?—A. I couldn't tell you that.

Q. Don't you know who you voted for?—A. No, sir; I don't.

Q. Did you vote for President?—A. To tell you the truth, I don't know who I did vote for.

Q. Did you vote for President of the United States?—A. Well, I couldn't swear, because I have forgotten.

Q. Well, didn't you vote for Grant?—A. I won't say for certain, because I done forgot who I did vote for.

Q. Didn't you vote for Hayes last summer?—A. Sumner before last was when I voted, but I couldn't tell you who I voted for.

Q. What is your business when you travel on it?—A. Roustabout.

76 Q. And your home is on the river?—A. No, sir; my home aint on the river; I just go on the river when I can't get any work in town to do.

Q. How long was it prior to the election that you arrived in Saint Louis?—A. Directly after Christmas a year ago.

Q. Now, haven't you traveled on the river since Christmas a year ago?—A. Yes, sir; I have been on the river.

Q. Well, my question is, how long was it prior to the election that you arrived here from one of your river trips?—A. I couldn't tell you how long that was.

Q. About how long was it, a few days or a few months?—A. I couldn't tell.

Q. Did you arrive here on election day?—A. I was here a week or so before election.

77 Q. You were here then a week before election day?—A. Yes, sir; a week or so before election day.

Q. Now is this place 1004 North Seventh a boarding house?—A. No, sir; it ain't no boarding house where I live at.

Q. When you are not on the boat you generally hang out at 1004 North Seventh street?—A. No, I don't hang out there; but I live in the rear of 1004.

Q. Well, now, you didn't register and you didn't vote?—A. No, sir.

Q. And the judges told you they couldn't do either one or the other with you?—A. Yes, sir.

Q. On your statement?—A. Yes, sir; they said I couldn't vote there nor register there neither.

Q. They treated you politely, didn't they, Mr. Johnson; the judges treated you politely?—A. I carried a man there to witness that
78 I been here long enough to vote.

Q. But you have just stated to me that you came here seven days before the election?—A. I lived here, but I had been out on a trip.

Q. And you are always out on trips?—A. No, sir, I ain't.

Q. And you told them that you had come here seven days before the election?—A. No, sir; I didn't tell them that.

Q. But on your statement to them, the judges, Republican and Democratic alike, all told you that you could not register or vote at that polling precinct?—A. They just told me that I—that I couldn't vote or register there neither; that was all.

Signature waived.

WILLIAM WILLIAMS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. What is your name?—A. William Williams, sir.

Q. Where do you reside?—A. 1004 North Seventh.

Q. How long have you lived there?—A. I have lived there a little over a year.

Q. How long have you lived in the city?—A. I suppose it must be over six years.

Q. How old are you?—A. I suppose I am about twenty-four, rising to twenty-five.

Q. You are a colored man?—A. Yes, sir; I'm a colored man.

Q. What State were you born in?—A. I was born in the State of Kentucky.

Q. You have always lived in Kentucky and here?—A. No, sir; I have been in different parts. I lived in Ohio may be two or three months.

Q. Well, you have never been out of the United States?—A. No, sir.

Q. Did you ever register at the city hall?—A. No, sir.

Q. Did you go to the polls on last election day in November last?—A. Yes, sir.

Q. What polls?—A. I went north of Fifth street.

Q. Whereabouts on Fifth street?—A. Near Carr.

Q. Did you register at the polls?—A. No, sir; I tried to register, sir; but didn't do it.

Q. Why not?—A. They said I was not a citizen of the precinct.

Q. And they wouldn't register you?—A. No, sir.

Q. Then you didn't vote?—A. No, sir.

Q. What did you go there for, for the purpose of registering and voting?—A. Yes, sir.

Q. What ticket did you propose to vote?—A. The straight Republican ticket, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. They told you that you were not at the proper precinct?—A. Yes, sir.

Q. Why didn't you go to some other precinct?—A. I didn't think that had any business at any other precinct more than the one I live in.

Q. The one you thought was your proper precinct?—A. Yes, sir; because I live there.

Q. How long were you talking to the judges?—A. Not long, sir.

Q. Well, about how long were you talking with them?—A. Just about as long as I could ask them, and hand them my papers.

Q. What papers?—A. The Republican papers.

Q. You just handed in your vote?—A. Yes, sir.

Q. They looked down the list and didn't find that name on that list?—A. No, sir.

Q. You never had been registered?—A. No, sir.

Q. You simply offered to vote in there, and they said, "Why, your name is not on the list, and we can't take it;" then you went away?—A. Yes, sir.

Q. That is all that transpired there?—A. I told them I thought I was a citizen. I was there for about six years.

Q. When did you move to 1004 North Seventh?—A. Well, I think—

Q. What month?—A. I can't tell you, sir, what month.

83 Q. Don't you know?—A. No, sir; I don't know exactly.

Q. You told that to these judges?—A. No, sir; I didn't tell them that; they didn't ask me any question.

Q. They didn't ask you any question at all?—A. About where I lived, no, sir.

Q. Well, all you did there was this: You took your ballot, passed it in at the window, the judges looked down the list of names and said to you, "Sir, we cannot find your name on that list," and you just took your ticket back and you walked away; now that is just all that transpired there?—A. I told them I was a citizen; I thought I was a free citizen, because I was there for over six years.

Q. But they said you were in the wrong precinct?—A. Yes, sir.

Q. Then you went away?—A. Yes, sir.

84 Q. And that is all that transpired there?—A. No more transpired there, not more than I told them that I was here for six years, and I thought I know'd that I was in that precinct.

Q. But you didn't live six years at 1004 North Seventh street.—A. Over a year, sir.

Q. You didn't live there six years?—A. No, sir.

Q. What is your business?—A. Laboring work, steamboating, and working on the levees.

Q. You are a ronster?—A. No, sir; I am a fireman on the river, which is the same as you call a laboring man.

Q. Are you married or single?—A. I have a family and am a married man.

Q. Where do they live?—A. 1004.

Q. Do you know what month they moved there?—A. They were there before I married—they were there—I don't know, sir.

85 Q. When did you marry?—A. Well, it was over a year ago, sir.

Q. Where did you come from?—A. Kentucky, sir; I was born there.

Q. And about a year ago from now you went to 1004 and married somebody there?—A. Yes, sir.

Q. You never was registered?—A. Never was registered.

Q. Never in your life?—A. No, sir.

By Mr. POLLARD:

Q. Did you offer to register at the polls that day?—A. Yes, sir.

By Mr. DONOVAN:

Q. Let me understand what you did offer to do; tell us what you did at the polls; was it not that you presented your ballot to the judges, the judges looked down the list and said, "Your name is not there;" and that you could not vote at that particular precinct; is not

86 that all that transpired there on that day?—A. That is all.

Q. So far as your vote is concerned?—A. That is all, sir; so far as I know, sir.

Signature waived.

H. W. PECK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. What is your name?—A. Answer. H. W. Peck.

Q. Where do you live?—A. 1109 North Eleventh street, in the rear.

Q. How long have you lived there?—A. I have lived there pretty ar eight months now.

Q. How long have you lived in the city?—A. I have been here a ar and about four months.

Q. Do you know Erasmus Brown?—A. Yes, sir.

Q. How long have you known him?—A. I have known him for the it fifteen years.

Q. Where does he live?—A. He lives in the city, sir; he lived at 17, between Tenth and Eleventh street, between O'Fallon and Biddle.

Q. In the rear?—A. Yes, sir.

Q. 1317 what?—A. North.

Q. North what?—A. North Tenth.

Q. In the rear between Tenth and Eleventh. How long did he live ere to your knowledge?—A. He has been living there ever since he s been in the city; he has been there about a year the tenth of last tober; October was a year ago.

Q. He is a colored man, is he?—A. Yes, sir.

Q. Do you know how old he is?—A. He is a man of about forty-five.

Q. Do you know whether he had registered or not?—A. Yes, sir; I satisfied—

(Mr. Donovan, counsel for contestee, objects, for the reason that the cord itself is the best evidence.)

By Mr. POLLARD:

Q. Did you go the city hall with him when he registered?—A. Yes, sir.

Q. Did you see him register?—A. Yes, sir.

Q. Do you know whether he went to the polls on election day?—A. s, sir.

Q. What polls?—A. Poll fifty-five (55).

Q. Where is that poll?—A. On Biddle street.

Q. Whereabouts on Biddle?—A. I think it was between Tenth and eventh?

Q. On Biddle, between Tenth and Eleventh?—A. Yes, sir; on that le the poll was (indicating).

Q. On the north side you mean, by that side do you?—A. Yes, sir.

Q. Did he vote on that day?—A. No, sir.

Q. Was his name on the registration book there?—A. They said his name was there, but his number was not right.

Q. They said his name was there, but his number was not right?—A. Yes, sir.

Q. Did he offer to vote there that day?—A. Yes, sir.

Q. What ticket did he offer to vote on that day?—A. The Repub- an ticket.

Q. Do you know Andrew Anderson?—A. I have known him for the st ten years too.

Q. Where did he live on election day?—A. He lived at 1316 North, Eleventh, between Tenth and Eleventh, right across the street, or ther across the alley.

Q. Between what streets—between Tenth and Eleventh and what reets?—A. Between O'Fallon and Biddle.

Q. How long have you known him to live there?—A. The same as Erasmus Brown.

Q. A year ago last fifteenth of October?—A. Yes, sir; he came there the same time with Brown.

91 Q. Do you know whether he registered there or not?—A. Yes, sir.

Q. He went with you to register?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to the question, for the reason that the register is the best evidence.)

By Mr. POLLARD:

Q. Did he go to the polls on election day?—A. Yes, sir.

Q. That is, this same poll number fifty-five?—A. Yes, sir; on Biddle, between Tenth and Eleventh.

Q. Did he vote on that day?—A. No, sir.

Q. Was his name on the registration list?—A. Yes, sir; they claimed that his number didn't correspond with his name.

Q. What ticket did he offer to vote there?—A. Republican ticket.

92 Q. Do you know James McDowell?—A. Yes, sir.

Q. Where did he live on election day?—A. I think his residence was either on Nineteenth or Twentieth, it is right in the range of the same building, it is either 1319 or 1320, he is right adjoining it but I don't know exactly the number, between Tenth and Eleventh and between O'Fallon and Biddle.

Q. Do you know how long he has lived there?—A. Yes, sir; I have known him to live there myself for eight months.

Q. Do you know when he went there?—A. Well, he went there some time—

Mr. DONOVAN. Of your own knowledge, now, don't guess at it.

WITNESS. Some time in September, this last September.

By Mr. POLLARD:

Q. Do you know how long he has lived in the city?—A. He has lived in the city to my knowing about a year and six months.

93 Q. How long have you known him?—A. For about ten years.

Q. How old is he?—A. About twenty-nine.

Q. How old is this man called Andrew Anderson?—A. A man of about thirty-seven, I reckon.

Q. Do you know whether this man James McDowell was registered or not?—A. Yes, sir; I am satisfied of that.

(Mr. Donovan, counsel for contestee, objects for the reason that the evidence proper to prove this is the record at the city hall.)

By Mr. POLLARD:

Q. Did you go to the city hall to see him registered?—A. Yes, sir.

Q. Did he go to the polls on election day?—A. Yes, sir.

Q. This same poll, fifty-five?—A. Yes, sir.

94 Q. Was his name found on the registration books?—A. They said his name was not there; no, sir.

Q. Did he vote?—A. No, sir.

Q. What ticket did he offer to vote?—A. The Republican ticket which I gave him.

Q. Do you know Archie Johnson?—A. Yes, sir.

Q. How long have you known him?—A. About two years.

Q. Where did he live on election day?—A. Well, in the same house that Erasmus Brown lived in; they both lived in the same building.

Q. How long did he live in that building to your knowledge?—A. He has been living there about a year and four or five months to my knowledge.

Q. How old is he?—A. He is a man of about forty now.

Q. Did he register at the city hall?—A. Yes, sir.

95 Q. Before this last election?—Yes, sir.

Q. Did you go with him to see him register?—A. Yes, sir.

Q. Did he go to the polls on election day to vote?—A. Yes, sir.

Q. Did he vote at the polls?—A. No, sir.

Q. Why not?—A. They said his name was not on the books.

Q. Did he offer to vote?—A. Yes, sir.

Q. What ticket?—A. Republican ticket.

Q. How old is he?—A. About forty.

Q. These four men, Brown, Anderson, McDowell, and Johnson, are all colored men?—A. Yes, sir.

Q. They all offered to vote the Republican ticket on election 96 day?—A. Yes, sir.

Q. Do you know where these men now are?—A. They are gone South, where they came from.

Q. How long since they went away?—A. They have left over two months.

Q. These men all lived in the rear, did they?—A. Yes, sir.

Q. About 1316, 1317, 1318, 1319, and 1320?—A. Right along in them numbers.

Q. Between Tenth and Eleventh, north?—A. Yes, sir.

Q. They have lived there ever since; they have been here and never have moved?—A. I have known them all my life, in fact I was raised with them.

Cross-examination by Mr. DONOVAN, counsel for contestee:

97 Q. How long have you lived in the city?—A. I have lived in the city—I have been living in the city about a year and five months altogether now, but I have lived here longer than that. I went away from the city, and then came back again.

Q. Where did these colored men come from?—A. From Louisiana.

Q. Refugees, were they?—A. They was emigrants; that is what they called them.

Q. They came up with that exodus?—A. They came up when that was going on some time.

Q. Their business was mostly on the river?—A. No, sir; didn't work on the river. Some of them worked in the tobacco factory; Erasmus Brown and Archie Johnson worked at the rag factory.

Q. Were these men married men?—A. All married.

98 Q. Where did the other two work?—A. McDowell and Anderson and myself, we were working on the levee part of the time, unloading boats.

Q. How many were here on election day?—A. McDowell, Johnson, Erasmus Brown, and Anderson, that was all.

Q. They did what?—A. I was just calling the names off to you there.

Q. Where do you live?—A. I live at 1109 North Eleventh street.

Q. How far from this alley?—A. Well, it is a good distance.

Q. About how far?

WITNESS. Do you mean from where those parties lived?

COUNSEL. Yes, sir.

A. I suppose it is four or five blocks off.

Q. Did you ever visit these four men in that alley?—A. Yes, sir.

Q. What was your business when you went to see them?—A. I was just going to see them, just as friends; used to call on them 99 on Sundays.

Q. Didn't you have any purpose in seeing them?—A. No more than a friendly purpose.

Q. Didn't you go to see them for the purpose of taking them to the city hall and having them registered?—A. No, sir.

Q. Did they all go to the city hall at the same time to be registered?—A. Yes, sir.

Q. Didn't you go with them?—A. I did.

Q. Where did you pick them up?—A. At Mr. Koenigman's, corner of Twelfth street.

Q. Then you did go to see them, having some business with them, that business being to register them?—A. I will explain it to you. At the time of the registration Mr. Koenigman had a wagon, and any parties that wanted to go down and register they could get his wagon 100 and go down, and those parties came down and went in this wagon from his store.

Q. It was rather a happy accident that you were present on that occasion?—A. I lived right there on the corner.

Q. You were canvassing for Mr. Sessinghaus on the day of election?—A. No, sir.

Q. How did you spend the day?—A. I spent my day distributing tickets for the Republican party.

Q. Were you paid for it?—A. No, sir.

Q. Do you expect to get paid for it?—A. I do, sir.

Q. You then were employed to canvass on that occasion?—A. I was working for the interests of my party; for the good of the party; for what would benefit my party would benefit me.

Q. Now, as a matter of fact, you were employed to talk to 101 these colored men and bring them all to the city hall, isn't that the truth?—A. If it was I was not aware of it.

Q. You instructed these men what to do?—A. I instructed them that there was a wagon of Mr. Koenigman's, and said that if any person wanted to go down and get registered he could ride down in his wagon.

Q. And you took the trouble to tell them that, and also to tell them what they had to do?—A. Yes, sir.

Q. And had been employed long prior to the election to do this very kindly work?

WITNESS. Who, me?

COUNSEL. Yes.

A. No, sir.

Q. How long have you known these men?—A. I have known 102 Erasmus Brown ever since '67, and I have been knowing Archie Johnson ever since before the war. He was my father's slave. I am pretty well acquainted with him, and Anderson, I have been acquainted with him.—

Q. Who did you say was your father's slave?—A. Archie Johnson. My master was my father, and my father was my master; you know how that was, how it rhymes.

Q. So Archie Johnson was your father's slave; then he was a brother of yours?

WITNESS. Archie Johnson?

COUNSEL. Yes.

A. No, sir.

Q. What do you know about McDowell?—A. I have been knowing him—I know'd him down South. I have answered, I think, correctly; I have known Archie Johnson all my life, you might say, and I have known Erasmus Brown ever since 1867.

103 Q. You came to Saint Louis when?—A. I came here in September; it was a year ago.

Q. Did you come here with these men?—A. No, sir.

Q. Came on before or after them?—A. I came on a short time after they did.

Q. You were a refugee too?—A. I so considered.

Q. Well, these men didn't remain here long?—A. They staid a year and some time over.

Q. That is a year from now?—A. This is a year and over, a year from the time they was registered.

Q. You mean to say, do you, that they were registered a year prior to the election?—A. No, sir; I mean to say that they were registered in due time in the registry office in order to become lawful voters.

Q. That's your opinion?—A. I know it to be a fact.

104 Q. Can you read?—A. Yes, sir.

Q. Did any of those men have a ticket in their hand on that day?—A. Yes, sir.

Q. Who gave it to them?—A. Well, I gave them some myself.

Q. Do you know what sort of a ticket you gave them that day?—A. I did.

Q. You just drove them like so many mules?—A. No, sir.

Q. Were not you a drill-master?—A. No, sir; I didn't claim to be.

Q. Well, it appears that you took them up to register before the day of election, and you appear to have had them in charge on the day of election; you were employed to do that, were you not?—A. No, sir.

Q. But you did do it?—A. On election day, yes, sir; when they were refused to be let vote they came to me and asked me my advice about it. I was up there on Twelfth street near the polls, and they came to me and asked me to come down to the marshal and talk to him, and see if I couldn't try and get their votes in.

105 Q. What did you do with the marshal?—A. They said that some parties had said that they should go to the marshal and that he would take their votes under protest; I went to the marshal and he told them their names was not right, the registered numbers was not right; consequently they couldn't vote, and for them to go off, as they were disturbing the peace.

Q. How often had they gone there?—A. Two or three times to my knowledge.

Q. So they were very persistent and very saucy about it?—A. They were at that time.

Q. Well, the judges told them about their case?—A. Yes, sir.

Q. Why didn't you accept the decision of the judge in regard to their vote?—A. They said that they had seen white people register, and they went back to try and get their vote in; they thought they had the same right as the others.

Q. I would like you to answer me this question, whether the purpose of those voters who had been rejected three times by the judges was not to get in line and obstruct the Democrats and prevent a Democratic poll from getting a full ballot?—A. I don't think they did, sir.

Q. Were not those negroes employed to stand repeatedly in line so as to delay Democrats from voting; didn't you employ them for that purpose?—A. No, sir.

Q. Didn't you advise them to do that so as to keep Democrats from voting?—A. No, sir.

Q. Or delay Democrats in voting?—A. No, sir; never dreamed of that.

107 Q. Can you explain to me why they should come there three or four times when they knew what the answer would be when they came to the window, and when that answer had been previously given after a most careful consultation in regard to the ballot which they wished to cast?—A. I don't know that they had any intention at all; if they did they never mentioned it to me.

Q. Don't you know that that was their purpose, to obstruct the Democratic voters?—A. No, sir; they was not men of that kind.

Q. Do you know of anybody that employed negroes at that poll for that purpose?—A. No, sir.

Q. You staid there all day?—A. No, sir; only about an hour, I was up on Twelfth street.

Q. What were you doing an hour at these polls?—A. I told you 108 they came up there to get me to go down there to see the marshal, and see if they couldn't get their votes in.

Q. And the United States officer couldn't do anything for them with the judges?—A. He didn't do it.

Q. Their name was not on the list?—A. Some of the names was right, and some of the numbers was wrong, so they claimed, but they never got a chance to see.

Signature waived.

109 II. H. STOCKHOFF, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. H. H. Stockhoff.

Q. Where do you live, Mr. Stockhoff?—A. 1128 North Twentieth.

Q. How long have you lived there?—A. Going on fifteen years.

Q. What is your age, Mr. Stockhoff?—A. Forty-seven, sir.

Q. How long have you lived in Saint Louis, sir?—A. Going on thirty-one years.

Q. Were you judge of election on last election day?—A. Yes, sir.

Q. At what precinct?—A. 123d, I believe it is, between Nineteenth and Twentieth; I think it is the 123d precinct.

Q. On what street?—A. On Biddle; north side of Biddle, between Nineteenth and Twentieth.

110 Q. How many Democratic judges were at that precinct that day, Mr. Stockhoff?—A. Three, sir.

Q. You were the only Republican judge there?—A. Yes, sir.

Q. Did you see Mr. R. Graham Frost, the contestee, at that poll on that election day?—A. I saw him that day. I don't know whether it was in the morning—

Q. What, if anything, did he say concerning any ballots there?—A. He came up to the window and gave an order, or demanded of the judges not to count a vote what was cast for the candidate on the Greenback-Labor ticket. I believe his name was O'Connell, or something like that.

Q. What further did he say?—A. To open every ballot and see whom the vote was cast for.

Q. Do you mean every Greenback-Labor ticket?—A. Every
111 ballot; that is, until I stopped it. We had a row at the window.

Q. What further did he say?—A. He said if we didn't do it
he would hold each judge responsible for it. I made a remark to
Mr. Frost that we are not responsible for the votes that are cast on
that day, and he says, "I will put you all in prison."

Q. After that were all the ballots opened that were put in the box?
—A. Yes, sir.

Q. For how long?—A. Not very long.

Q. Well, about how long—half an hour, or an hour, or two hours, or
what length of time?—A. No, about half an hour; we was afraid of a
row; Mr. McCarthey objected and Mr. Manny objected.

Q. These gentlemen that you have named were judges at election?—
A. No, sir; they were voters, and Mr. Fisher objected to it, and Mr.
Maddens objected to it.

Q. Now, what was done at those polls with the Greenback-Ha-
112 bor tickets that were received there; were they put in the box
and counted? That is what I want to know.—A. If I aint mis-
taken they was put in an envelope and strung with the other tickets
and counted.

Q. And counted?—A. Yes, sir.

Q. Did you see any loose tickets there in the hands of any of the
judges that day?—A. I did, sir.

Q. I mean of tickets that had not been polled and handed in by the
voters at the window?—A. I don't understand the question.

(Question read by the notary.)

A. I have never seen any tickets going through the window; these
tickets that I saw they was not polled; I seen tickets on the left side
of the judge and some along on the ground, some of them put under-
neath.

Q. What votes were they, Democratic or Republican?—A. I
113 couldn't tell; that aroused my suspicion; I was green; I was
never a judge of election before; these raised the first suspicion
about the screws in the box. I then took care, and I requested them
to take care of the box and to see that the lid was screwed down; there
was no screwdriver, so I used my safe key for that purpose. My sus-
picion was aroused because twice the judges opened the lid and I never
saw no ticket put in or taken out except through the hole, but then
after that I attended to the box; I took the box and opened it, and
gave it to them again and had the screws put down.

Q. Was there a colored man named John Field, residing at 2014 Bid-
dle, there at the polls that day?—A. Yes, sir.

Q. Did he vote?—A. They didn't accept his vote.

Q. Why not?

114 Mr. DONOVAN. Don't say he resided at that place unless you
know it.

A. I know it; there was two of them.

By Mr. POLLARD:

Q. What was the other man's name?—A. You have got me there.

Q. Moses Page?—A. That's the name.

Q. Did he reside at 2016 Biddle?—A. Yes, sir; I don't know the
number; he lives in the rear.

Q. Did those two men present their votes there that day?—A. Yes,
sir.

Q. Was either of them received?—A. No, sir; neither one of them.

Q. Why not?—A. On the ground they was river men; that they had not resided long enough in that precinct.

Q. Were their names on the poll books there?—A. They were.

Q. Both of them?—A. Yes, sir.

Q. Do you know what ticket they offered to vote?—A. Republican.

115 Q. That was the only reason they were refused, was because they claimed they had not resided long enough in the precinct?—A. Yes, sir; now I remember one instance of a man who worked on the railroad and they wouldn't accept his vote. He said that he had resided there several months; the landlord was produced, he stated that he had lived there so and so many months—if I aint mistaken, four or five months, that he had paid his rent. He came there I expect three times to offer his vote, but it was not accepted on account, as they claimed, that the register could not do it; he claimed that he has no right to vote because he has not slept for the last ten days in that house. I expect the registrar acted in good faith just as I have done.

Q. How long have you known these men, Field and Page?—
116 A. That was the first time I had seen them.

Q. How old were they apparently; about how old?—A. Well, I expect the young man was over twenty-one, between twenty-one and forty.

Q. Both of them apparently over twenty-one, though?—A. Oh, yes, yes, sir; then there was others rejected too.

Q. Who else, if you remember?—A. But I don't know their names.

Q. Colored men?—A. White men.

Q. Were their names on the polling list, the poll books there?—A. Yes, sir.

Q. Why were they rejected?—A. There was only one that was rejected, one man he claimed that he lived down at thirteen hundred and something, Twenty-first street, and they found that he resided in another precinct; it was thirteen hundred and something, it was found 117 that his brother's vote was accepted, although both of them lived in the same place.

Q. What ticket, if you know, did this man vote there?—A. That I don't know.

Q. Who received the votes at the window there that day?—A. There was one of the clerks named Sheehey, he was a clerk, and the old gentleman, Kelly, that was his name I believe, a judge. Sheehey was a clerk; for instance, here is a table and there a pane of glass is out and right at the side is Sheehey, and Sheehey give the vote over across the table to Kelly; sometimes the parties handed right straight to Kelly, but in most cases Mr. Kelly received the ballots.

Q. He is the judge?—A. Yes, and a good many was received by Mr. Kelly in the morning first. Mr. Kelly had a seat near that pane of glass when that pane was taken out then they changed it; then afterwards I saw a couple of times the boxes was opened, so I got suspicion of ballot stuffing.

118 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You saw that the ballot-box was carefully handled that day?—A. That day; yes, sir.

Q. You took special charge of it yourself?—A. Yes, sir.

Q. You were bound to see that there was no stuffing at that poll?—
A. Not after that time.

Q. There was none before?—A. I haven't seen any stuffing.

Q. But in order that the thing was properly conducted you just took full charge of it?—A. Yes, sir.

Q. And you were the Republican judge?—A. Yes, sir.

Q. Now you say that these negroes of whom you spoke, Page and Field, you saw them for the first time on election day?—A. Yes, sir.

119 Q. The first you ever saw them or either of them, was on that day?—A. Well, that I couldn't say, I paid attention to those men then.

Q. But that is the first time to the best of your belief, that you saw these men?—A. Never know'd them before; I never know'd Mr. Kelly's name even; though he lived in the same neighborhood with me; I know'd Mr. McCarthy.—

Q. Did you open the ballot of Mr. Page or of Mr. Field?—A. No, sir.

Q. You didn't then read their ballot?—A. No, sir; they were not allowed to vote.

Q. You didn't see their ticket then, you didn't read their ticket?—A. No, sir.

Q. Now, was the conversation that you had with Mr. Frost there in regard to the Greenback-Labor ticket, or in regard to this Chronicle 120 fraud, a ticket known as the Chronicle ticket, a ticket as you know, gotten up to deceive the honest voters in that district?—A. No, sir; he has never made any remarks about that ticket, but very few of them Chronicle tickets was there. If I can make an explanation here I will do so. Mr. O'Connell, the school director of that ward, he told us not to receive those, that they was not legal tickets, he instructed the judges not to receive those tickets.

Q. Were there any Chronicle tickets polled there that day?—A. No, sir; that is to the best of my knowledge, I am pretty sure there was not.

Q. Did you see none of them offered there that day?—A. No, sir; the tickets was there.

Q. But none of them were offered by voters?—A. No, sir; not that I know of.

Q. You recollect the ticket very well, don't you, Mr. Stockhoff, that Chronicle ticket?—A. I recollect it, yes, sir.

121 Q. It had the names of men of all parties on it?—A. Now, there you get me again, I remember there was some changes on it.

Q. It had Mr. Sessinghaus' name on it?—A. I don't know.

Q. And for Congress?—A. I knew that the ticket was there, we was warned against taking them, that they was not legal tickets, that we should not receive them or count them, and there was no tickets of that kind counted; if there was any of those tickets voted, I should certainly have known it, I didn't pay no attention to those tickets until I was told by Mr. O'Connell, the school director, that the tickets was not right to be received there at the poll.

Q. That it was a ticket calculated to deceive the honest voter?—A. That is what Mr. O'Connell says, then I seen the ticket there, but I haven't handled it.

122 Q. But you can't say whether Mr. Sessinghaus' name was on it or not?—A. No, sir; I never had a ticket in my hand, Mr. O'Connell came around there to see that everything goes on all right.

Q. You didn't transfer anybody at those polls, did you, if he had been previously registered?—A. Yes, sir; one.

Q. Republican?—A. I don't know his politics, I don't know if he is a Republican.

Q. Were not your instructions not to transfer anybody at the polls, either Democrats or Republicans?—A. I want to explain you this, a man came up to the polls and wanted to vote, and we have not his name. A young man came to the poll and wanted to vote, and was declined to vote, if I aint mistaken, and afterwards it was found 123 out that he ought to vote there, I think that was the way of it, I think it was Stolle's son, I don't know whether he is a Democrat or a Republican.

Q. He had moved?—A. No, sir; he had lived on Nineteenth street.

Q. How old a man was he?—A. Well, we believed he was old enough to vote; he was a young man, he was entitled to vote; I didn't hear any complaint about that.

Q. Why didn't you let him vote?—A. We believed—well he did vote.

Q. He did vote?—A. Yes, sir; I told you that afterwards we found out that he was not entitled to vote at that precinct.

Q. He voted the Republican ticket?—A. I don't know.

Q. His father is a Republican, isn't he?—A. Yes, sir; because his father is Caspar Stolle, I have seen him in Republican meetings; 124 I know he was a Republican candidate in a Republican ward.

Q. Well, you counted his vote?—A. Every vote that was cast was counted.

Q. Why did you count the vote of Caspar Stolle's son when you thought that he was not entitled to vote?—A. Well, sir, either you or I have got it mixed up; I told you that a man came there to vote, and we have received his vote, and after we have learned that he has voted in a wrong district and was told his name was there registered, and that was young Stolle.

Q. What did you do with his ballot?—A. Counted it.

Q. You counted it when he voted the Republican ticket there, although you knew that he was voting in a wrong precinct?—A. I didn't know it at that time.

Q. But you counted it all the same?—A. We learned that 125 afterwards that he ought to have voted in another precinct.

Q. But you counted it?—A. His vote was counted, but whether he was a Republican or not I don't know.

Q. But his father is a very prominent Republican in that district?—A. Yes, sir.

Q. And you believe that he did cast a Republican ballot for Congress?—A. I don't know anything at all about it.

Q. That is your best judgment of that vote?—A. I have no judgment on that vote at all.

Q. Do you believe he voted for Sessinghaus?—A. Well, I have never talked to the young man, and I never talked with anybody that knows anything about it.

126 Q. How long have you known his father?—A. Well, I expect I am personally acquainted about fourteen or fifteen years.

Q. You live in his neighborhood?—A. I do, sir.

Q. Do you visit his house?—A. Yes, I was in his house at a funeral.

Q. You met his son before this time at the polls?—A. Yes, sir.

Q. You know his son well?—A. I know him well enough to bow to him; I spoke to his son once in my life.

Q. You are a friend of the family, and knew all about them, and know all about their politics ?—A. I am a friend of Caspar Stolle, the old gentleman.

Q. Why didn't you throw out that Republican vote when you knew that the party didn't reside in that district ?—A. I didn't know that anybody has mentioned anything about it.

127 Q. But you knew the fact ?—A. At that time there was no attention paid to it.

Q. But you knew it ?—A. We all knew it ; one of the judges or one of the clerks, I believe it was Mr. Sheehey, said that he ought to vote in the other precinct.

Q. And you found out that the judge was correct ?—A. The clerks did; yes, sir.

Q. But I can't understand, Mr. Stockhoff, why you permitted that Republican to vote at that precinct when it was not his proper polling district ?—A. Well, sir, I have told you before, sir, that his ticket was received, and that after that, probably an hour or so, after we have learned that this young man ought to have voted in another precinct, that he didn't live there where he was registered ; I don't know his name was there ; and we took his ballot, as we know'd where his

128 father lived, and in counting the votes nobody objected to it.

Q. Do you know whether or not that Republican didn't go to the other district and vote there again ?—A. I don't know that, sir ; that Republican—I don't know anything about it—I know that his father is a Republican, but I don't know that the son is.

Q. But all the members of the family are Republicans and have been so for years ?—A. I never talked to any man about politics except the old gentleman ; I have met him at the primary meetings at his hall and other places, but never have seen his son to know that he is a Republican.

Signature waived.

129 H. A. HUMMERT, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. What is your name ?—Answer. H. A. Hummert.

Q. Where do you live ?—A. I live now 1136 Biddle street, on the corner of Sixteenth and Biddle ; formerly I used to live a few months at 1118 North Sixteenth ; there is only two or three little doors between, right on the same sidewalk.

Q. Between what streets do you live on Biddle ?—A. Between Carr and Biddle, you mean now ?

COUNSEL. Yes.

A. It is on the southeast corner of Sixteenth and Biddle street.

Q. That is where you now live ?—A. Yes, sir.

Q. Do you know what number that is ?—A. 1136.

130 Q. 1136 Sixteenth street ?—A. No, sir ; Biddle ; the numbers go up ; that is the number on our row ; I live on the corner.

Q. Which corner ?—A. Southeast.

Q. That is on the south side of Biddle and on the east side of Sixteenth ?—A. Yes, sir ; right where the car turns.

Q. How long have you lived where you now live ?—A. About a little over three months.

Q. Do you remember the date at which you moved there ; what month it was in ?—A. We pay our rent on the first.

Q. Did you go there to this place before the last election?—A. I think it was a few days before election.

Q. Before the election?—A. Yes, sir.

Q. Where had you been living before that?—A. 1118 North Sixteenth street.

131 Q. How far is that from where you now live?—A. As I just remarked, there is only two or three little doors between us on the same sidewalk.

Q. Between the same streets?—A. That is on one side; yes, sir.

Q. Did you ever register while you were living at that place, where you did live before you moved to the place where you now live?—A. Yes, sir; I think I did. I don't know how long ago it was. I always voted for years already, and they never asked me no questions; I always found my name on the books, except this time they couldn't find it.

Q. This time they couldn't find your name on the books?—A. No, sir.

Q. How long had you lived at this other place before?—A. I don't know exactly; it was something like four years, I guess.

Q. While you were living there, you had voted two or three 132 times, more or less?—A. Yes, sir.

Q. Now, did you get any transfer from this place where you lived at that time, to the place where you now live?—A. No, no.

Q. You didn't go to the city hall to get a transfer?—A. I don't know whether that was necessary, so long as you live in the same neighborhood. I know that they had to register once. I never read any papers or anything of that kind.

Q. Are both of these houses in the same block?—A. Yes, sir; both of them are in the same block, only a few doors between them.

Q. Now, did you go to the polls on election day, Mr. Hummert?—A. Never but one time; in the morning.

Q. Your name you found was not there on the list?—A. That's 133 what the gentlemen said inside.

Q. And you consequently didn't vote, or did you vote?—A. I voted; they said it was all right.

Q. You handed in your vote?—A. After they had a little talk about this, they said it was all right; I handed my vote in, and went down to the store.

Q. Did you put your name on the ticket?—A. They done that, I guess.

Q. Did you see them do that?—A. I never took any look at all; I think it was all right.

Q. What ticket did you vote?—A. The Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You moved and got no transfer?—A. No, sir.

Signature waived.

134 WILLIAM LOFTON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. William Lofton.

Q. Where do you live?—A. I live on Warren street.

Q. What number?—A. 921.

Q. How long have you lived there?—A. Two years and four months.

Q. How long have you lived in the city?—A. I have lived here—let me see—the sixth of this March, I will be here six years.

Q. You are a colored man?—A. I was always so called that way, sir.

Q. How old are you?—A. I am, sir, fifty years old.

Q. Where were you born?—A. In America.

135 Q. You have always lived in the United States?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. Yes, sir.

Q. Where were you living at then?—A. I was living then on Broadway, near the Saint Louis saw-mill; 'way up there, sir.

Q. How long is it since you registered?—A. About four years, I think, sir.

Q. After you moved to this place, 921 Warren street, did you get a transfer; I mean did you go to the city hall and tell the registrar?—A. No, sir; I did not.

Q. You did not go to the city hall and get transferred?—A. No, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. Right on North Market.

Q. Whereabouts?—A. On the north side of the street, north from the market-house.

136 Q. Right opposite the market-house?—A. Yes, sir; just on the opposite side.

Q. How far is that from 921 Warren, from where you are living?—A. It is about three blocks, I believe, sir.

Q. You don't know the number of that polling precinct, do you?—A. No, sir; not exactly; I don't know.

Q. When you went to the polls that day did you register at the polls?—A. No, sir; I didn't register. That is what I went there for, exactly to get registered there.

Q. Why didn't you get registered?—A. I don't know, sir.

Q. Did you ask them to register you; tell them that you wanted to be registered?—A. Yes, sir.

Q. What did they say?—A. They asked me why I was not registered before, and I told them I was on the river at the time, and when 137 I came back the registration was shut up, and I didn't go down.

Q. Did you vote on election day?—A. No, sir.

Q. Did you have a ticket there?—A. No, sir.

Q. What ticket did you want to vote, provided you had been permitted to vote?—A. I would have voted the regular straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You got no transfer?—A. No, sir.

Q. How far is 921 Warren street from the Saint Louis saw-mill?—A. It is the Saint Louis planing-mill.

Q. Did you register from the Saint Louis planing-mill four years ago?—A. No, sir; I was living on Broadway near that planing-mill; I was living there some five or six years.

138 Q. That is in a different polling precinct?—A. Yes, sir.

Q. You didn't notify the authorities at the city hall that you had removed there?—A. No, sir; I expected to go down there.

Q. But you just neglected to do it?—A. I didn't happen to get to town in time.

Q. And when you came to the polls the judges told you that it was universal rule throughout the city that all judges, Republicans or Democrats, acted on, that it was without their power to transfer anybody, no matter what his politics were, on election day?—A. Yes, sir.

Signature waived.

139 T. W. BLACKMAN, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. METCALFE:

Q. Question. What is your name ?—A. Answer. T. W. Blackman.

Q. Where do you live ?—A. 3035 Dickson street.

Q. You were one of the judges on election day ?—A. Yes, sir.

Q. At what precinct ?—A. 209, in the Twentieth ward.

Q. Do you know whether the votes of William Pawley, H. B. Wills, David A. Marks, William B. Alvord, C. D. Fox, Jesse Dorsey (colored), Charles Sargeant, (colored), Ben Brown, (colored), were placed in an envelop and returned to the city hall marked "Rejected" and not counted by the judges of the poll on that election day ?—A. Yes, sir ; that is my recollection.

140 Q. Do you know personally any of these men whose names I have read ?—A. I know Mr. Alvord ; I have known him for twenty-five years, I reckon.

Q. Do you know any of these others ?—A. Yes, sir ; I know them. I don't know anything about them particularly, except Mr. Alvord. I have known him well for about twenty-five years, I think.

Q. Do you know whether these men's names were on the polling list furnished to you as judge of the election on that day, or whether they had been stricken off ?—A. They had been stricken. I think, most of them were on what was called the "Rejected list," so they were not allowed to vote. I knew Mr. Alvord personally ; I knew he was an old citizen and a responsible man, and I was in favor myself of allowing him to vote, but the other two judges were opposed to him.

141 consequently his vote was rejected with those others whose names you have mentioned ; I don't know anything particular about them, but I know them as men living in Saint Louis. As for Mr. Alvord, whom I have known for twenty-five years, I thought there was a good deal of red-tape about his case ; I was willing to allow him to vote, and rather insisted upon it, but the other judges were opposed to it ; I don't know what his politics were, of course, and it made no difference whatever with me.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Marks had moved from one place to another ?—A. I don't know ; I don't know how that was ; I believe in one or two instances there had been removals, possibly the parties had removed. I 142 don't recollect ; that is my impression that they had, but they were in the same ward and in the same precinct ; there was one man that they didn't allow to vote, that lived there for years ; I know him first rate, he lived opposite me ; I asked him to come in, I don't know how he voted.

Q. But all these parties lived in the third Congressional district ?—A. I suppose so ; yes, sir.

Q. You don't know how long they have moved ?—A. No, sir ; I do not know that.

Q. The judges there did not permit transfers at the poll ; that is, where parties had been previously registered and had not notified the authorities at the city hall that they had moved, you wouldn't transfer any of them at the polls, would you ?—A. No, sir, that was not done.

Q. That was the universal rule throughout the city, Mr. Blackman ?—A. Yes, sir ; I think so.

143 Q. Have you been a judge at previous elections in this city ?
—A. No, sir.

Q. Do you know how that rule has operated at previous elections ; that is, has it not always been a universal rule that no one can be transferred at the polls—that they must transfer at the city hall ?—A. Yes, sir ; that is my impression ; but, so far as Mr. Alvord was concerned, he and his son lived in the same house ; one was registered and the other not. Mr. Alvord, senior, had been registered, he said, but he was on the rejected list this time. Both father and son lived in the same house and had lived there for a long time ; and when the old gentleman arrived at the polls he was on the rejected list. I got him to vote. I went after him.

Q. Do you know where the southern line of the third district runs right in the vicinity of that poll ?—A. I did know, but I have 144 forgotten now.

Q. Don't you know that it cuts across the block right opposite the poll ?—A. Yes, sir ; it runs just north of the corner—north of Colonel Easton's house. I believe it takes in a corner of his house and runs across that block, and then it strikes an alley just south of the grocery store ; then it runs over there and takes in Mr. Ravold. I know that it leaves Colonel Easton and a large portion of his house in the second district.

Q. The dividing line there is very peculiar. Instead of following the street, it cuts through the center of the block ?—A. Yes, sir.

Q. Diagonally ?—A. Yes, sir ; the block is divided in that way.

Q. And without following the line of any street or alley, it cuts diagonally across the block ?—A. Yes, sir.

145 Q. So that people have trouble there to ascertain whether they are in the second or third district ?—A. Well, I think they all know what district they belong to ; but Colonel Easton, some years ago, was in doubt as to what district he was in ; he so expressed himself to me.

Q. Colonel Easton is one of our richest and most intelligent citizens ?—A. Yes ; that was several years ago when he made use of this expression to me about this line cutting through his house.

Q. Is there or is there not a poll for the second district immediately across the street from poll 209 ?—A. Yes, sir ; nearly opposite.

Q. In the coal-yard there ?—A. Yes, sir.

Q. Well, of these names that you have given, you know Mr. Alvord ?—A. Yes, sir ; I have known him for a great many years.

146 Q. You don't know the others ?—A. I know all those parties ; I know that they lived there a year.

Q. You didn't know anything about their removal ?—A. No, sir.

Q. You found their names on the list that was stricken off ?—A. I know some of them lived where they said they lived.

Q. But whether they had lived there when they registered at the city hall you don't know ?—A. No, sir ; I don't know when they did register at the city hall ; I don't know how long before.

Q. You were a Republican judge at the polls ?—A. Yes, sir.

By MR. POLLARD :

Q. Mr. Blackman, about how long is it since this Congressional line, or the line between the second and third Congressional districts, was fixed where it now is ? Wasn't it after the election of 1876 ? 147 Wasn't it in the spring of 1877, when the State was redistricted ?

—A. I think so; that is my impression; I have forgotten; I think it was the year 1876.

Q. Isn't it a fact that the legislature of the State had been Democratic then, and has been Democratic ever since?—A. Yes, sir; oh, yes.

Q. It has been Democratic ever since 1870?—A. Yes, sir; largely so.

By Mr. DONOVAN:

Q. Is it not a fact that at all elections at that particular poll, and at the poll across the street, mistakes were made in regard to the district in which the voter lived; some people from the third district, Democrats and Republicans alike, voted over in the second district, or attempted to vote; and some went over in the third district, the polls being directly across the street?—A. I can't say how that was at any prior election to the one held last fall. I never was judge at any other election, and never paid but very little attention to it, but I presume that such was the case.

148 Q. Don't you recollect that Colonel Slayback, who was running in the second district, received some votes over in the third district?—A. No, sir; I do not.

Q. Don't you recollect that Erastus Wells was voted for in the third district when he was running in the second?—A. No, sir; I do not. I expect such was the case, however.

Q. Although he was running in the second, yet he received votes in the third district?—A. Yes, sir; I know some parties who came there and asked us if they belonged in that ward—the eighteenth.

149 Q. That is the only peculiar line that you know of there in the division of districts, that line cutting diagonally across the block?—A. That line cutting across the block; yes, sir. It cuts off, I think, one or two buildings.

Signature waived.

At this point a recess was taken until this afternoon, at two o'clock, at which time all parties in interest being duly assembled, and announcing themselves ready to proceed, the examination of witnesses was thereupon resumed and the following testimony elicited.

150 E. H. GREVE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. E. H. Greve.

Q. Were you one of the clerks of election on the second of last November, at precinct 123?—A. Yes, sir; that is the one, I suppose; it is on Biddle, between 19th and 20th.

Q. That is the one where Mr. Stockhoff was one of the judges?—A. Yes, sir; I was there as a clerk.

151 Q. What was done, Mr. Greve, with the ballots that were received there and not counted on that day?—A. There was an envelope among the stationery that we received from the city hall that day, with the word "rejected" written across it. The few that we received and did not count, which were rejected, were put in this envelope.

Q. And what was done with it?—A. They were put in with the other stationery and sealed up and sent to the city hall that evening.

Q. How many ballots, do you remember, if any, were thus treated?—A. It is my opinion that about three; it might have been five.

- Q. Do you know the names of any of those voters who voted those lots?—A. No, sir.
Q. You don't know?—A. No, sir.
Q. Do you know whether or not any of the voters who voted those lots were colored men?—A. One of them was.
Q. Do you know whether more than one was?—A. No, sir; I could not say.

- Q. You don't know whether those men who voted those ballots were qualified voters?—A. At present, no sir; I do not.
Q. Do you know whether any of those ballots were voted by men whose names were on the poll books that day?—A. No, sir.
Q. You do not know?—A. No, sir.
Q. Do you remember whether a man by the name of John Field was one of the men whose ballots was thus received and put in the rejected envelope?—A. No, sir; I do not.

Mr. Donovan, counsel for contestee, objects to the gentleman stating, he has already stated that he didn't know.)

By Mr. POLLARD:

- Q. Do you remember whether a man whose name was Moses Page was in that same condition?—A. The vote was never received.

- Q. His vote was not received?—A. No, sir.
Q. Do you remember whether his name was on the poll book?

- A. Yes, sir.
Q. Why was not his vote received?—A. I don't know; they raised objection to him; one the judges said he was not a qualified voter; that didn't live where the professed to live.
Q. Was he a colored man?—A. Yes, sir.
Q. Do you know, Mr. Greave, whether or not any ballots were opened by the judges there and examined by them before they were put into ballot-box?—A. Yes, sir.
Q. That was the case?—A. That was the case; yes, sir.

- Q. How long did that occur, what portion of the day?—A. Well, it was probably between two and four, I should think. It was during the latter part of the day it was only for a short while; though, for about an hour or two.

- Q. What was the occasion for that method of procedure?—A. There was a ticket that they claimed had a man's name on it that was a legal candidate, by the convention or whatever it was, he was not nominated by the party, and that Mr. Frost came to the window and said that they were illegal tickets, and that if these gentlemen would take these tickets that he would hold each one of them responsible for these tickets.

- Q. And it was after Mr. Frost's appearance there that these votes were opened, before they were placed in the ballot-box?—A. All votes that were deposited after that for an hour or two, or for a while, were opened by the judges to see whether they were that ticket or not.

- Q. What ticket was that that he was protesting against, do you know?—A. I don't know.

- Q. Was it what was known as the "Chronicle ticket"?—A. I don't know; I paid very little attention to the ticket.

- Q. Was it what was called the "Greenback Labor ticket"?—A. I don't know.

- Q. Who received the votes at the window from the voters that day?—It was a party by the name of Mr. Kelly who received the votes

that we opened ; in fact, he received during the entire polling of the day except when he was out to dinner or to supper.

Q. Who received them, then, when he did not receive them ?—A. One of the other judges, I believe, received them the balance of the time.

Q. Did you see any clerk receiving any votes at the window ?—A. I don't recollect. No, sir. I believe the registrar received some votes, but I don't recollect that any clerk received any.

156 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Greve, you don't know anything about these men who voted there ?—A. No, sir; I do not.

Q. The judges did not permit any transfers to be made on election day, did they, of voters that had been previously registered ?—A. Well, I don't understand quite.

Q. That is, where a man had been registered at the city hall, and had moved his residence, and had not notified the authorities at the city hall, then there were no transfers allowed at the polls ?—A. They didn't do it, naturally.

Q. They said it was their duty not to do so ?—A. They wouldn't have done it, naturally. There was no such case, however.

157 Q. That was the universal rule throughout the city, not to permit transfers at the polls, and it was not done at your poll ?—A. No, sir; I think not. I don't know what the rule was.

Q. That was not permitted at your poll, though ?—A. No, sir.

Q. Let me ask you this question : After the visit of Mr. Frost to that poll was made, he desired that the judges would look at the head of the ticket to see how it was labeled ?—A. Well, he didn't say anything to that effect. He said that he would hold each any every one of us responsible.

Q. If you received the Chronicle tickets ?—A. If we received these tickets, and the judges were of the opinion that—

158 Q. They would look to see how the ticket was headed, whether it was headed this Chronicle ticket or not ?—A. Yes, sir; that was the object, to see whether it was the ticket—whether it was the legal ticket or not.

Q. But you didn't have many Chronicle tickets at that place ?—A. No; I believe there was two.

Q. Sessinghaus was on it ?—A. I don't know who was on it.

Q. Mr. Sessinghaus's name was on them for Congress ?—A. I don't know; I didn't look at any of them.

Q. It was regarded by all the people that it was a ticket calculated to deceive voters ?—A. Yes, sir; that is the way it was looked upon there.

By Mr. POLLARD:

Q. Did Mr. Frost mention anything about any Chronicle tickets when he was there ?—A. No, sir; he said about the illegal tickets.

Q. He didn't call it a Chronicle ticket ?—A. No, sir; I don't think so.

159 Q. You don't know what ticket he was speaking about, do you ?—A. He was speaking about this ticket with Mr. O'Connell's name on it for member of Congress.

By Mr. DONOVAN:

Q. That is the ticket you think he was talking about ?—A. That is the ticket he was talking about. I don't know what the ticket was; I

know it was a ticket that had Mr. O'Connell's name on it, and that it was spurious and illegal.

Signature waived.

160 ROBERT E. NAGLE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Robert E. Nagle.

Q. Where do you live?—A. 1623 Sullivan avenue.

Q. How long have you lived there?—A. I have lived there now about a year and four or five months, or may be six months, a year and a half.

Q. How long have you lived in the city?—A. About fifteen years, sir.

Q. How old are you?—A. I am thirty-four.

Q. Have you ever registered at the city hall?—A. Yes, sir.

Q. Where were you living when you were registered at the 161 city hall?—A. The first time I was living in the Fourteenth ward, and the next time I got transferred to the Sixteenth ward.

Q. Did you ever get transferred from the Sixteenth ward to 1623 Sullivan avenue?—A. I tried to get transferred; yes, sir.

Q. When?—A. I tried it twice.

Q. Was it this last fall, before the election?—A. Yes, sir.

Q. What did you do?—A. I went up to the city hall first, of course; my time was limited; it was two weeks before the election, and it was very crowded, and they pushed a good deal right there, and finally they closed the door; then I went back to the store. I went up another time; the second time I went up, five or six days before the election. I made up my mind to register, so I staid up there a full hour, if not two hours, there in the crowd. There was some six or eight 162 policemen went up, and they closed the doors, and they only let such men pass through as they were acquainted with. Of course, by that time I met another gentleman, and he says: "I have got my register in an envelope; I am going to turn these over to Mr. Gonter, the recorder." I says: "I can do that myself, because I can't stay here all day; there is no use standing around here." So Officer Price, I know him very well, the police officer Price, he promised us that he would take our transfers for us; that he would have it attended to for us; with that of course I went home, and the next day, or a couple of days afterwards, the last morning before the registration office closed, I saw my name stricken off at that place.

Q. How did you see it, in the paper?—A. I read it in the paper—in the newspaper—just the day before there. It was no use to register after that.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where?—A. I went first in the morning to Seventeenth and Wright. I thought it was my precinct.

Q. Well, did you vote at that poll?—A. When I got there the registrar was not there, and they couldn't do anything for me; they couldn't register me, so I went back to the store, and at dinner-time I went to the poll again. I found the registrar, but he said I couldn't be registered. I told him the circumstances, and he said, "Of course we cannot do anything, but we will take your vote under protest."

Q. So you voted under protest?—A. Yes, sir; because I couldn't do any otherwise.

164 Q. What did they do with your ballot?—A. He said they would take that ticket and put it in an envelope.

Q. What ticket did you vote?—A. I voted the Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You didn't have time to obtain a transfer?—A. No, sir.

Q. And the registrar at the polls told you that inasmuch as you had not obtained a transfer, he couldn't register you at the polls, because no transfers could be made at the polls?—A. That is the understanding I had.

Q. That was the same all over the city?—A. That is the idea; yes, sir.

Q. The general rule?—A. I don't know anything about that; 165 I just merely heard that at the polls when I went there.

Q. But that was a general rule all over the city, and applied to everybody where they had registered and had failed to obtain a transfer. They could not obtain a transfer at the polls?—A. They told me, provided, as I can prove, that I had been at the city hall, they would take my vote, because then they could prove that I had been at city hall trying to get a transfer.

Q. But you didn't succeed in obtaining a transfer?—A. No, sir.

Signature waived.

166 RICHARD TAYLOR, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Richard Taylor.

Q. Where do you live, Mr. Taylor?—A. I stay there on Biddle street, right there by the hall; they call it Snyder's hall.

Q. On Biddle street, between which streets?—A. Between Biddle and O'Fallon.

Q. Well, on what street between Biddle and O'Fallon?—A. I stay right in the alley; Fourteenth street, you know.

Q. In the alley in the rear of Fourteenth street, is it?—A. Yes, sir.

Q. That is west of Fourteenth street, is it?—A. West of Fourteenth, sir.

Q. Between Biddle and O'Fallon?—A. Yes, sir.

167 Q. Has your house got a number?—A. Yes, sir; 1012, I believe, in Captain Frost's property.

Q. How long have you lived there?—A. We moved there since 1875: before this last—in 1875; in August.

Q. How is that; it was a year ago last August that you moved there, wasn't it?—A. Yes, sir.

Q. That would be August, 1879?—A. 1879; yes, sir.

Q. How long have you lived in the city, Mr. Taylor?—A. Well, I have been here ever since then, sir.

Q. Did you come to the city then?—A. Yes, sir; me and my family moved here then.

Q. How old are you?—A. I was born about the year 1803—Easter Saturday morning, 7 o'clock. I am of some age.

Q. Where were you born?—A. Washington, District of Columbia.

168 Q. Have you always lived in the United States?—A. Yes, sir.

Q. You are a colored man?—A. Yes, sir.

Q. Now, did you ever register at the city hall in Saint Louis?—A. No, sir; I never did.

Q. Did you go to the polls on election day?—A. On election day I went to the polls.

Q. Where were those polls?—A. They was on Twelfth and Biddle.

Q. On the corner of Twelfth and Biddle?—A. Yes, sir; I asked them if I could register there; they said no, they had no time; and I didn't want no dispute, so I went right on home.

Q. What ticket did you want to vote there that day?—A. I had no particular ticket except I always voted the Radical ticket.

Q. That is the Republican ticket?—A. Yes, sir.

Q. And you would have voted it if they had permitted you 169 to do so?—A. If I could; yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When did you move to the city of Saint Louis?—A. I moved to the city of Saint Louis—I started from New Orleans the seventh of August.

Q. Before this last?—A. It took me eight days to get here.

Q. You came up on a boat?—A. Yes, sir.

Q. Were you what is generally known as a refugee?—A. I came from the South at that time; yes, sir.

Q. With a number of other colored men?—A. Yes, sir.

Q. Well, now, please state to us, and state it fully, all that you 170 said and did at that poll?—A. I went to the poll, sir, in the morning about 9 o'clock, and I went down to one gentleman that was standing there and I says, "I would like to register and vote here today," being as how I had never registered before. The gentleman inside spoke to me. Says he, "I have no time for that now;" so I had no pulling of hairs about it, and I went right off about my business; I was doing a little work on that same day for Mr. Goby.

Q. So you didn't offer a ballot at all?—A. No, sir.

Q. Do you know who the gentleman outside was that you spoke to?—A. I don't know no one; I only asked for to learn something, and he told me "no."

Q. You just asked for information?—A. Yes, sir; then I spoke to the gentleman inside and he told me he hadn't no time for that.

171 Q. Did you go to the polling window at all?—A. Yes, sir; I went right to the window.

Q. How long were you at the window?—A. Well, I staid there more than a quarter of an hour; not more than a quarter of an hour.

Q. At the window or at the polls?—A. I was at the polls; but I had to go to the window, you know, to ask that question.

Q. How long were you at the window?—A. A quarter of an hour, sir.

Q. Did you spend a quarter of an hour speaking to the judges at the window?—A. I just spoke a few words, and I staid there awhile.

Q. You asked some gentleman on the outside in regard to the registration?—A. Yes, sir.

Q. And this friend of yours outside said that you could not be registered, and you went away?—A. I asked him could I be registered and vote.

172 Q. And he said "no"?—A. He said "no."

Q. Then you went away?—A. I went right to the window and asked the gentlemen inside, and they said he had no time for that now.

Q. You went to that window and asked if you could vote there, and they told you "no"?—A. I asked them if I could register there.

Q. And you talked a quarter of an hour with them?—A. No, sir; I only asked them those few questions and then stopped there.

Q. But were you talking to the judge or to the registrar?—A. I believe—it seems to me it was a judge.

Q. And the judge said that your name was not on the list there, and of course you couldn't vote?—A. My name was not on there.

173 Q. That is what the judge said to you?—A. I hadn't registered my name, so it was not there.

Q. That is what he stated to you?—A. He asked me why didn't I go to the city hall and vote—or register—and I told him I didn't go there because I was told by other colored people that I could go there and register there, so I didn't go to the city hall, but I had come to the polls to register and vote. Then I wanted to register and couldn't get to. It was always my desire to vote; all the time I was in the city I has voted, and that was one time that I was stopped.

Q. Well, did you see any registering officer at the poll at all?—A. Well, to tell you the truth, I didn't notice any; I only asked the man at the window.

Q. Did you ask this friend of yours on the outside?—A. Yes, sir; then I went to the window and asked the gentleman on that side.

174 Q. Did you see the registering officer at the poll?—A. Yes, sir.

Q. You saw the judge you just told me?—A. I saw the gentleman that was taking in the tickets.

Q. He was the judge; he was not the registrar.—A. Then I didn't see no registrar. I don't know one from the other; that is all that I asked them.

Q. And you asked your friend on the outside, and he said, on the facts of your case, that it was not possible for you to vote at that poll?—A. Yes, sir.

Signature waived.

175 W. H. CONERY, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. W. H. Conery.

Q. Where do you reside, Mr. Conery?—A. 2218 Biddle street.

Q. Were you clerk at precinct 124 last election day?—A. Yes, sir; I was.

Q. Do you remember, Mr. Conery, about how many votes Mr. Frost received on that election?—A. He received two hundred and twenty-six (226).

Q. Do you remember how many Mr. Sessinghaus received?—A. Fifty-five (55).

Q. Do you remember how many Mr. O'Connell received?—A. Five (5).

176 Q. The returns, Mr. Conery, show that Mr. Frost was credited with two hundred and thirty-four (234) votes, is that correct?—A. It was not.

Q. Did you discover on the day of election that there had been an error there; and, if not, when did you discover it?—A. I didn't discover it during the day; I discovered it a few days after in looking over some memoranda that I had.

Q. What led you to make that investigation a few days afterward?—A. The discrepancy which I discovered. The total number was two

hundred and eighty-six (286). I knew that couldn't be, because I had kept a memorandum of it.

Q. What I want to get at is to call your attention to the fact that there had been a mistake there. How did you happen to think 177 about this two or three days afterwards?—A. I happened to think of it after this that Mr. Sessinghaus had fifty-five (55), that Mr. O'Connell had five (5), and there had only been two hundred and eighty-six (286) votes cast, so that there was a discrepancy.

Q. What I want to get at is, and as briefly as possible, how did you discover this discrepancy, from the newspapers?—A. I saw the returns in the newspapers; that is all I have ever seen except my memorandum.

Q. So that by comparing the return as published with your memorandum you discovered that the error had been made?—A. Yes, sir, I did.

Q. Now, when was this memorandum made that you saw two or three days after the election?—A. I made it on the day of the election.

Q. You are positive about that, that Mr. Frost received only 178 two hundred and twenty-six (226) votes?—A. I am.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Now, you say there were two hundred and eighty-six ballots cast?—A. There were.

Q. Now will you please take a paper and pencil and mark down the number that was cast for Frost, the number that was cast for Sessinghaus, and the number that was cast for O'Connell, as you have testified here, add them up, and tell us what is the result?—A. Two hundred and eighty-six (286).

Q. That is right, aint it?—A. That is right; yes.

Q. That is what you said was cast, wasn't it?—A. Two hundred and eighty-six (286) votes were cast.

179 Q. And there were two hundred and twenty-six of them for Frost?—A. Yes, sir.

Q. Fifty-five for Sessinghaus?—A. Yes, sir.

Q. And five for O'Connell?—A. Yes, sir.

Q. Then what is the object of this inquiry?

Mr. POLLARD. Ask me that.

Mr. DONOVAN (to the witness). You are taking some reporter's statement in regard to the matter; you don't know whether that is correct or not.

A. I know that my figures are correct; I know that in the official returns he is credited with—

Q. That is the way they appear on the official returns according to your figures?—A. All the returns that I saw credited Mr. Frost with two hundred and thirty-four (234) votes.

Q. Well, you know that many of the figures in the newspapers 180 at that time were incorrect, don't you?—A. Possibly.

Q. The return that was made by you and the judges at the poll was correct?—A. No, it was not correct; we made a mistake, which I found afterwards.

Q. Have you seen the return since you made it?—A. No, sir; I have not.

Q. Well, then how do you know it was not correct?—A. Because, from the memoranda that I kept on the day of election, and afterwards looked over it.

Q. Have you ever seen that return since?—A. Never.

Q. Well, then what do you know about it; what is your best recol-

lection as to what it shows?—A. I have a memorandum that Mr. Sessinghaus received fifty-five; O'Connell, five, and that would make 181 two hundred and eighty-six (286) votes; I remember that mistake was made.

Q. Do you know what that official return at the present time shows?—A. I only know from what I saw in the papers.

Q. Don't you know that the figures were all botched up in the newspapers?—A. Possibly.

Q. I want to know whether or not you made a false return?—A. We did.

Q. If you don't know what the return is now, how do you know it was false?—A. The returns as published are false.

Q. I aint talking about the returns that were published—there was all manner of mistakes made in the publication of the returns—but I mean what is the return as made by you, on the official polling 182 books?—A. The return that we made on the official books was two hundred and thirty-four for Mr. Frost, which was a mistake.

Q. And yet you have not seen them?—A. I remember that.

Q. You think that was the case?—A. I know that was the case.

Q. Were those votes counted at the close of the poll?—A. They were counted every hour during the day.

Q. By Democrats and Republicans, who were there acting as judges?—A. They were.

Q. And they ascertained just what the vote was?—A. They thought they did.

Q. Was it your duty to count the votes?—A. No, sir; it was not my duty; I was a clerk.

Q. Was it any more your duty to do that than it was the duty 183 of the men outside holding up the plank?—A. It was my duty.

Q. Was it your duty to count those votes?—A. It was the judges' duty, I think.

Q. Don't you think it was the business of the Republican judge to verify the vote there?—A. Certainly.

Q. Do you believe that he failed to perform his duty?—A. I can only say this, that there was a mistake made, by whom I can't say; whoever called over those votes, when I tallied, made a mistake, and I think I can account for it.

Q. You had some scratches on a piece of paper there, that you were making there during the tally of this vote?—A. I don't understand what you mean.

Q. Well, it was not any part of your duty to count those votes?—A. No; it was my duty to count them up when they were called 184 off to me by the judges.

Q. That was during the day?—A. All the time I was there.

Q. During the day?—A. All the time I was there.

Q. During the day?—A. Of course I was there during the day on election day, and until late at night.

Q. It was during the day that this count was made?—A. Yes, sir.

Q. Now, after they got through with counting them over again at night, the Republican judges and the Democratic judges carefully verified the counting of that vote?—A. And made a mistake.

Q. In your judgment?—A. I am sure of that mistake.

Q. You think they did, although it was their duty to attend to that and no part of your duty; is that a fact, or not?—A. Well, I 185 don't know what we have clerks there for, unless they are put there to check votes.

Q. It is the judge that counts the vote?

WITNESS. What is the clerk for?

Q. Were not the Republican judges intelligent gentlemen?—A. I don't know whether I am a judge of intelligence or not.

Q. Were they gentlemen or were they something else?—A. They were gentlemen, so far as I know.

Q. And intelligent gentlemen?—A. Supposed to be.

Q. And just as well able to count votes as you are?—A. They counted the votes.

Q. And it was their duty to attend to that particular thing, was it or was it not?—A. It was their duty.

Q. And they did do so, and all of the judges, Republicans and Democrats, certified to the returns did they, or did they not?—A. They certified to the returns; they were not aware of the mistake.

86 Q. Although they did the counting, and you didn't?—A. I kept tally; it is plain enough to see whether two and two makes four or not; figures don't lie.

Q. Who were you talking with about this matter of making a mistake, Mr. Conery?—A. I haven't talked to any one; I mentioned it to Mr. Wiesehahn a few days ago; I told him there was a mistake.

Q. How long after the election?—A. I can't exactly say; it was several days.

Q. Wasn't it only the other day?—A. No, sir; it was not.

Q. When was it?—A. I can't say.

Q. Can't you tell us about?—A. I can't say about how long it was; don't know because I had too much to do.

Q. Wasn't it within the past few days and months after the election?—A. It was not.

87 Q. Well, when was it?—A. It was some time, some short time after the election, I can't say just how long because I have other business to do, and am not mixed in this at all; I don't remember such things; I simply spoke to Mr. Wiesehahn about this, and I have forgotten what day it was; I have forgotten what day of the week, whether it was Sunday or what; I cannot tell you what day it was.

Q. I am not asking you the day of the week, I am asking you when you first informed this gentleman here, Mr. Wiesehahn, of any mistake made by the judges in the count at that poll?—A. I can't remember.

Q. You don't want to remember?—A. I can't remember.

Q. You don't want to remember?—A. I do want to remember, but I can't remember.

88 Q. Well, I will give you time to think?—A. I can't say; it might be six weeks ago, it might be two months.

Q. Well, then, when you swore to the return you testified to a falsehood?—A. I didn't testify to a falsehood, but there was a mistake. I was mistaken, and so were the others.

Q. And the gentlemen that assisted you in that count, they were just as intelligent as you are?—A. They testified to it, but it was a mistake.

Q. That is, you think it was your mistake?—A. I know it was a mistake; I don't think at all about it.

Q. That is, the statement that appeared in the newspaper was a mistake?—A. I remember the votes that Mr. Frost was credited with on the books; they were certain—

Q. And the count, as it appeared in the newspaper, was 89 not correct?—A. It was not correct on the books that were re-

turned; I remember that. The books were returned, crediting Mr. Frost—

Q. You say you haven't seen the books since you sent them in?—A. But I remember what they were that day, as I certified to them.

Q. Can you tell me now what appears on the books at the city hall?—A. In regard to the Congressional vote, I can; I can tell you what the electors on it got.

Q. What did the Republican electors get?—A. They got fifty-two.

Q. What did the Democratic electors get?—A. They got two hundred and twenty-one.

Q. What did Pat. Dyer get for governor?—A. Pat. Dyer, I think, got fifty-two. I am not positive.

Q. What did Thomas T. Crittenden get?—A. I don't remember.
190 Q. He was running for governor of this State.—A. I know he was running, but I don't remember the votes he got.

Q. What vote did Seymour D. Thompson get?—A. I don't remember. I was more particularly interested in the others; probably that is what made me remember that better.

Q. What vote did Horner get for judge of the circuit court?—A. I don't know.

Q. What vote did E. A. Noonan get?—A. I don't know that.

Q. What vote did Harris get for circuit attorney?—A. I can't say.

Q. What vote did Campbell get for lieutenant-governor?—A. I can't say.

Q. What vote did M. K. McGrath get for secretary of state?—A. I can't remember.

Q. What vote did Walker get for State auditor?—A. I don't remember.

191 Q. What vote did McIntyre get for attorney-general of the State?—A. I don't know; no, sir, I do not.

By Mr. POLLARD:

Q. Mr. Conery, you commenced, in an answer to the question put to you by Mr. Donovan, to say that you could explain how this error arose, in your judgment; please finish that reply.—A. I think it arose in this way: Mr. Frost got two hundred and eighteen (218) votes on the straight Democratic ticket, and the electors on it got two hundred and twenty-one (221); there is a deficit of three, I know, and I am personally acquainted with three men who scratched their Democratic tickets and voted for Mr. Sessinghaus; I can state who they were, if necessary.

(Mr. Donovan, counsel for contestee, objects to this dictation by outside parties surrounding this witness, made to the witness while he is on the stand.)

192 A. I was going to do that anyhow, without any suggestions from the outside. Mr. Gordon Renyon was one.

Mr. POLLARD: I am not asking for those, I don't want those; I want you, if you can, to state how this discrepancy arose; that is all I want to know?—A. To the best of my judgment after this wise: Frost received two hundred and eighteen on the straight ticket, he was scratched on three tickets, he got eight votes on the Greenback-Labor ticket; there was thirteen votes cast for the Greenback-Labor ticket, and of those he got eight. Two hundred and eighteen and eight is two hundred and twenty-six, and eight would make two hundred and thirty-four. I account for it this way: that the eight was, by mistake, called back twice and tallied twice; that is the only way I can account for it.

193 Q. That is the Greenback-Labor tickets were so received and counted over?—A. Yes, sir.

Q. Were there any Chronicle tickets received there?—A. No, sir; none.

By Mr. DONOVAN:

Q. Well, in your retirement, some days subsequent to the election you sat down and figured out how it was possible that a mistake might have been made in the count in Frost's favor, and you have now detailed that to Mr. Pollard to the best of your knowledge and belief?—A. I didn't sit down and figure how the mistake was made.

Q. Now you have told the whole matter to Mr. Pollard in answer to his question?—A. I didn't figure it out.

Q. But you have told all that you knew about it in answer to Mr. Pollard's question?—A. I want to give an answer in my way.—

194 Q. When Mr. Pollard asked you how you figured out the mistake, didn't you tell him all that you knew about it?—A. No; I was not asked that.

Q. Have you anything further to say. Mr. Pollard asked you how you came to arrive at the conclusion that that was a mistake, and you answered him; now have you got anything to add to the answer that you have given?—A. I want to answer you this way.—

Q. Have you anything to add to the explanation that you have already given? Haven't you fully explained to Mr. Pollard how you arrived at the conclusion that a mistake was made at that poll?—A. The original question was if I didn't sit down subsequent to the election.

Q. Mr. Pollard asked you all about it, and you started in and told him all that you knew; now have you got anything to add to what you said to him?—A. I don't know that I have.

195 Q. Have you anything to add to the explanation that you gave to him, Pollard, in response to the plain question that he asked you?—A. Well, I think that is plain enough—my answer.

Q. You can't add anything to it? [Pause.] You can't add anything to it? [Pause.] You think you have answered Mr. Pollard's question fully?—A. I think I did.

By Mr. POLLARD:

Q. Mr. Conery, why haven't you answered the four or five questions that were asked you here just now by Mr. Donovan?—A. He didn't give me a chance.

Q. Is it not a fact that before you could say more than two or three words he put another question to you repeatedly?—A. He did.

By Mr. DONOVAN:

Q. Was not my question, Mr. Conery—I will ask you as a fair-minded man, as far as this particular occasion is concerned, was 196 not my question, "Have you anything to add in explanation or anything to add to the answer that you had given to Mr. Pollard when he asked you to explain how it was possible that a mistake could be made?"—A. No, sir; that was not your question, your question was this, if you will allow me I will tell you—

Q. Wasn't it altogether in regard to what you would add to what you had said to him?—A. That was towards the last, but you asked me at first if I didn't some time subsequent to the election sit down and try to figure out if there might not have been a mistake, and I wanted to answer that question in this way; that there might be a mistake, there might a thousand things happen that didn't happen, but to make it short, there was a mistake and there was no figuring to find it out;

197 that is the way you put the question; I didn't sit down for the purpose of figuring out a mistake; I knew there was a mistake, I tried to figure out how to correct it.

Q. Now, just allow me to ask you this question to prove this little discussion: have you, or have you not, in answer to Mr. Pollard's question regarding this probable mistake, or possible mistake, given the full particulars?—A. I have given him the particulars, yes, sir, to every question he asked me.

Q. You have nothing to add to it?—A. No, sir.

Q. That is all then.

Signature waived.

198 F. W. GIESIECKER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. F. W. Giesiecker.

Q. Where do you reside, Mr. Giesiecker?—A. I live 2904 Broadway.

Q. How long have you lived there?—A. I moved there about three or four months before the election came off—last election.

Q. How long have you lived in Saint Louis?—A. About thirty-five years.

Q. How old are you?—A. I am fifty-one, that is, will be next September tenth.

Q. Have you ever registered at the city hall?—A. I did, sir.

Q. Where were you living when you registered?—A. I lived in 2420 Broadway, in the same precinct.

199 Q. When did you register; how long ago?—A. Well, I registered there. I went there to transfer me.

Q. When?—A. About two months before the election.

Q. Did you get a transfer?—A. Well, that is the question; I give them my card, and a gentleman that was in the office there he went to attend to it; I was very much obliged to him, and I am sickly, so I left there, and he put a card in an envelope, my name and everything on it, and put it on his desk.

Q. Did you tell him your residence, where you had lived and where you then lived?—A. I told him the number; put it on the same card, what I can show you now.

Q. Did you tell the man there behind the counter the number of your house, where you then lived?

200 (Mr. Donovan, counsel for the contestee, objects to the counsel for contestant leading the witness; let him ask the witness what he did when he went to the city hall.)

By Mr. POLLARD:

Q. Did you tell the clerk there where you lived when you registered before that time?—A. I have; yes, sir.

Q. What was stated to you by that clerk?—A. I put it down myself on my card; I put my own number on the card, and the number where I am living now; he said he would attend to it.

Q. Did you go to the polls on election day?—A. I did.

Q. Where were those polls?—A. On the corner of Warren and Broadway.

Q. Did you vote at that poll on election day?—A. I did, but they wouldn't take—the judges would not take my vote.

201 Q. Why not?—A. My name was not on the list.

Q. Was your name on the list which they had there which purported to be the names of those who had been stricken off?—A. No, sir; they had not my name at all there.

Q. What ticket did you vote that day?—A. Well, I will tell you; first, I went down to the city hall; I wanted to see if I was stricken off the list, the same morning on election day, and I didn't get no answer there; I couldn't do anything there, there was a crowd there, so I went back again, and told the judges there what I tried to do at the city hall. They know me just as well as I know them, but they could not take my vote, so I went up to several other friends; they told me then that they voted under protest, and that I could vote, and so I did vote under a protest.

Q. Who took your vote at the poll?—A. Well, that was Barber Guhman.

202 Q. Was he judge or supervisor?—A. I forget now what he was; I didn't ask him any questions.

Q. Now what was done with your ticket; did they put it in the ballot box?—A. No, sir.

Q. Were you living at 2420 on Broadway, when you were registered?—A. Yes, sir.

Q. Is that in the same precinct that 2904 Broadway is in?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to the question unless the gentleman says he is familiar with the lines of the voting precinct.)

By Mr. POLLARD:

Q. What ticket did you vote?—A. I voted the Republican ticket, for Sessinghaus; that is sure.

Q. You voted for Sessinghaus for Congress?—A. Yes, sir.

203 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. How far is 2420 Broadway from 2904 Broadway?—A. Well, you can count the blocks.

Q. But inasmuch as I don't live in that portion of the city, I will have to ask you to answer my question; how far is 2904 Broadway from 2420 Broadway on the same street?—A. Well, to my calculation it is pretty near three blocks.

Q. Those blocks run by hundreds do they not?—A. They do.

Q. Then it would be about five blocks, wouldn't it?—A. Well, you can make it so.

Q. Do you not think it is five blocks away?—A. No, sir; it aint; it is four blocks; it isn't five blocks at all.

204 Q. Now do you know the lines of the voting precincts up there?—A. I think I do, if I had the piece of paper there what it was printed on I could show it to you.

Q. Where was the dividing line between 2904 and 2420 Broadway?—A. Well, if I had that paper in my pocket I could read it off for you, but at the present time I couldn't tell you.

Q. Well, at the voting precinct in which 2904 Broadway is located, you could not find your name on the list?—A. I did not.

Q. Now, did you go to the precinct in which is located 2420 Broadway?—A. Yes, sir; that is the same precinct they told me that runs from North Market to Rocky Branch, I believe.

Q. Somebody told you that?—A. No, sir; that was on a paper I had in my hand.

Q. Now, I desire the notary to repeat my question.
205 (Question read).

WITNESS. I am in a hurry to get through here, please get through with me as quickly as possible.

Q. You never obtained a transfer from 2420 Broadway to 2904 Broadway?—A. No, sir; not a transfer.

Q. And for that reason you couldn't vote on election day at that precinct?—A. No, sir; not at that precinct.

By Mr. POLLARD:

Q. Did you write your name on the ticket that you put in that day?
—A. Yes, sir.

By Mr. DONOVAN:

Q. You didn't stay when you went to the city hall to procure your transfer?—A. I been there twice.

Q. But you didn't remain to see it done?—A. No, sir; I didn't remain to see it done.

206 Q. You didn't have time to see it done; you were busy and sick?—A. I was busy and sick besides.

Signature waived.

207 HERMAN PRAEDICOW, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Herman Praedicow.

Q. Where do you live?—A. 1121 Cass avenue.

Q. How long have you lived there?—A. About two years.

Q. What official position are you holding now?—A. Deputy coroner of this city.

Q. How long have you lived in Saint Louis?—A. Since 1859.

Q. You are a physician?—A. No, I am not.

Q. You are a doctor?—A. Well, studied medicine in Europe, but I never have graduated.

Q. Were you one of the judges of election at precinct 133 on 208 last election day?—A. I was.

Q. Do you remember, doctor, if there were three ballots polled on that day which, upon examination, were thrown out by the judges of election and not counted?—A. Yes, sir.

Q. Do you know by whom those ballots were polled?—A. I remember the names, if you will call them.

Q. Were they James Buehler, Herman Gaez, and William Nordsick?—A. Those are all right; I recollect all three of them.

Q. Now, for what reason were those votes thrown out and not counted?—A. When we got the votes in—examining the ballots or the tickets—there was a double ticket, but it was so that you couldn't observe it; they were stuck together merely by the printer's ink. Then my partner made me aware of it, and just as quick as I seen it 209 that that was the case, why we agreed not to count it. Each of those three tickets were in the same condition; they were in duplicates.

Q. Now, in your judgment, from the appearance of those tickets, were they voted double knowingly by the people who voted them?—A. No, they couldn't; by no possibility.

Q. Do you remember, doctor, whose name was on those tickets for Congress?—A. Sessinghaus.

Q. On all three of them?—A. On all three of them; and the returns will show you, I think, there is one hundred and ninety-one, and we polled one hundred and ninety-four.

Q. They were all thrown out?—A. Yes, sir.

Q. Was there any other reason why they were thrown out?—A. No, sir.

210 Q. These men's names were on the poll-lists there?—A. Yes, sir; they were on the poll-lists.

Q. And qualified voters, as far as you know?—A. And qualified voters, as far as I know.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You all agreed, Democratic and Republican judges alike, that it was proper to throw them out?—A. O, yes; we all agreed.

Q. How many Democrats and how many Republicans were there at that poll as officers?—A. I think there was two Republicans and two Democrats. No; the judges there were two Republicans and one Democrat.

Q. And although the majority of the judges at the polls were 211 Republicans—A. Yes, sir.

Q. Yet they thought it was proper to refuse to count those tickets?—A. They refused to count those tickets, yes, sir.

Q. In the honest discharge of their duty?—A. In the honest discharge of their duty.

Q. Doctor, did you have any cases of transfer on that day—people who had registered and wanted to transfer at the polls?—A. We had several of them.

Q. You refused them all?—A. No, sir; we granted them all.

Q. Were they Sessinghaus votes?—A. Never asked them.

Q. I don't mean people that registered at the polls, but people that had registered and had removed, and had neglected to notify the recorder of voters that they had moved, that class of voters?—A. We never inquired into it.

212 Q. Oh, you didn't inquire into that at all?—A. No.

Q. You are thinking about people that were registered at the polls there?—A. Yes, sir; several of them came there and wanted to get transferred from one place to the other, and we gave them a certificate.

Q. Gave them what?—A. Gave them a certificate to the other precinct, where they belonged to.

Q. Sent them back?—A. Sent them to the other precinct.

Q. Then you didn't allow them to transfer there?—A. No, sir.

Q. You wouldn't allow them to vote where they had moved?—A. They moved from the precinct. There was one of them resided in precinct 137, consequen'ly he could not vote in 133.

Q. And you wouldn't let him vote there?—A. Yes, sir; but still he was not on the polling books.

213 Q. But you wouldn't let him vote at your precinct?—A. No, sir.

Q. And you wouldn't register him on election day?—A. No, sir.

Q. That was the universal rule with all the judges and at all the polls, and with all the judges of election in the city for many years past?—A. I don't know anything about that; this here was the first time I was a judge of election.

Q. You know enough about it not to permit those parties to transfer

at the polls?—A. We simply gave them a certificate that they had moved out of the precinct.

Q. But wouldn't allow them to vote at your polls?—A. No, sir; because he wasn't entitled by law.

Q. Did you examine the ballots of those three men of whom 214 you speak; did you open and read them?—A. Yes, sir.

Q. In their presence?—A. No, sir.

Q. When did you do it?—A. After the expiration of an hour?

Q. You opened the ballot-box and counted the ballots; when you went to count them you found that there was two votes instead of one?—A. Yes, sir; double ballots.

Q. With each paper?—A. Yes, sir.

Q. And the Republican judges being in the majority at the polls decided that that was improper and illegal, and the vote could not be counted?—A. No; we come to the conclusion to put them in an envelope.

Q. And put it in the box?—A. Reject it; yes, sir.

Q. You could not, in the exercise of your duty under the law, count such a ballot?—A. No, sir; it was handed to the supervisor.

215 By Mr. POLLARD:

Q. I want to ask you a question, because I didn't quite understand you; suppose a man was living in your precinct who came there whose name was not on your polling book there, but who assured you at the polls that he had moved from some other precinct from which he previously registered, but from which he had obtained no transfer now if that man brought evidence to your polls, by persons whom you knew to be reliable, to the fact that he was then living in your precinct, and had been for a year or more, did you permit him to vote in that precinct?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to the question for the reason that Doctor Praedicow has stated that this is the first time 216 that he has ever acted as judge, and has not shown himself as an expert.)

A. I am only alluding to that day. We allowed twenty-five of them.

By Mr. POLLARD:

Q. In that same fix?—A. Yes, sir.

By Mr. DONOVAN:

Q. Were they Republicans?—A. I never inquired into that; some Democrats and some Republicans.

Q. That is a heavy Republican precinct?—A. No, sir; that is just the other way.

Q. But they were mostly Republicans that you permitted to vote that way?—A. You will probably find that out of the twenty-five, that sixteen were Democrats, and the balance was likely Republicans.

Q. You are guessing at it now?—A. I don't know.

Signature waived.

217 Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Wednesday, February 16, 1881, then to be continued at the hour of half past nine o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 16.

Pursuant to adjournment as above stated on February 16, 1881, at the hour of half past nine o'clock in the forenoon, I continued he further taking of these depositions, as follows:

JOE WILLIAMS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. What is your name?—A. Answer. Joe Williams.

Q. Where do you reside?—A. 1102 North Eleventh street.

Q. How long have you lived there?—A. Well, I have been living here now going on two years.

Q. How long have you lived in Saint Louis?—A. I have been living n Saint Louis about sixteen or seventeen years, ever since the war.

Q. How old are you?—A. I am going on about thirty-six, I guess.

Q. You are a colored man?—A. Yes, sir.

Q. Where were you born?—A. In Virginia, Rockingham County.

Q. You have always lived in the United States?—A. Yes, sir.

Q. Were you registered at the city hall at any time?—A. Yes, sir; [were.

Q. When?—A. It was about two or three weeks, as near as I can come at it, before the election came on.

Q. This last fall?—A. Yes, sir.

Q. Were you then living at 1102 North Eleventh street?—A. Yes, sir.

Q. When you went to the city hall did you register?—A. Yes, sir.

Q. Did they swear you in—make you hold up your hand, or did you subscribe your name to a book?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. One was on Ninth and Carr.

Q. Well, did you vote?—A. No, sir.

Q. Why not?—A. They refused me; said my name was not there.

Q. How far is that from where you live?—A. That is the second block from where I live.

Q. Did you go to any other polls on that day?—A. I went on Twelfth and Carr.

Q. Did you find your name there?—A. No, sir.

Q. And they refused to permit you to vote there?—A. Yes, sir.

Q. Did you vote anywhere on that day?—A. I did not, nowhere; I went on Tenth and Wash, too.

Q. Did you find your name there?—A. No, sir.

Q. Now, state if those three polls that you went to were the only three polls in your immediate neighborhood where you live?—A. That is all that was there.

Q. And your name was not at any of those places, and you did not vote?—A. No, sir.

Q. What ticket did you propose to vote if you had been permitted to vote that day?—A. Republican ticket.

Q. Straight Republican ticket?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Don't you know the precinct that you live in?—A. I couldn't

tell the name of the ward. I come as nigh as I can come to it. I am not book-learned or any such thing.

Q. You don't know the ward you live in?—A. Oh, I don't know whether that is the Fourth or Sixth ward, or what.

Q. What is your business?—A. I have been on a steamboat, but I labor here now in town, and on the levee.

Q. You have spent most of your life steamboating, have you not?—A. No, sir; most of my work is in town; I haven't steamboated a great deal now for five years. I generally work on the levee, Mississippi wharf.

Q. You say you were living in the city sixteen years?—A. Yes, sir; sixteen years.

Q. How often have you registered at the city hall?—A. That was only the second time I registered there.

Q. When did you register prior?—A. As nigh as I can come at it, it has been seven or eight years since I registered before.

Q. When you registered before where were you living?—A. I was living on Sixth street between Franklin and Morgan.

Q. How far was Sixth street between Franklin and Morgan from 1102 North Eleventh street?—A. About four blocks.

Q. It is in a different polling precinct?—A. Yes, sir.

Q. When you moved from your previous place of residence you did not notify the authorities at the city hall of the fact of your removal?—A. Well, there has been no Presidential election since I registered.

Q. But you did not notify them of the fact that you had moved from one place to the other?—A. No, sir; because there has been no President elected since then.

Q. And therefore you didn't get what they call a transfer; what is known as a transfer?—A. No, sir; because it has been eight or nine years since I registered when I voted for President.

Q. Do you live in the front or rear of 1102 North Eleventh?—A. I live in front, sir.

Signature waived.

8 HENRY SIMMS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Henry Simms.

Q. Where do you live?—A. I live on Eighth and Biddle.

Q. On the corner?—A. No, sir; just a little opposite the corner.

Q. Do you live on Eighth street, or on Biddle?—A. Eighth street.

Q. Little north of the corner?—A. Yes, sir; a little north of the corner of Biddle.

Q. How long have you lived there?—A. I have lived there for 9 three years.

Q. Where did you live on election day?—A. On Eleventh street.

Q. Whereabouts?—A. 1115, between Carr and Biddle.

Q. Have you ever registered at the city hall?—A. Yes, sir; I registered at the city hall.

Q. How long ago was that?—A. That was about three weeks before the election.

Q. Had you ever registered before that time?—A. No, sir; I never registered before that.

Q. That was the first time you ever registered?—A. At the city hall; s, sir.

Q. Have you registered at any other place?—A. No, sir.

Q. You went to the city hall, you say, some three weeks before the last election and registered?—A. Yes, sir.

Q. You were then living at 1115 North Eleventh street, were u?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. I did.

Q. Where were those polls?—A. I went to the poll near Tenth reet.

Q. On what street?—A. On Wash street.

Q. Which side of Tenth?—A. It is on this side; the river side; the st side.

Q. On Wash street east of Tenth?—A. Yes, sir.

Q. Did you find your name there?—A. No, sir.

Q. Did you go to any other poll?—A. I went to the polls on Twelfth reet.

Q. Whereabouts on Twelfth?—A. On Biddle street near the market.

Q. Did you find your name on the poll book there?—A. No, sir.

Q. Well, did you vote anywhere that day?—A. No, sir; I didn't te anywhere that day.

Q. What ticket would you have voted, provided you had been per- itted to vote?—A. The Republican ticket.

Q. How old are you?—A. I am twenty-five years old.

Q. How long have you lived in Saint Louis?—A. Ten years.

Q. You are a colored man?—A. Yes, sir.

Q. And born where?—A. In Arkansas.

Q. And have always lived in the United States?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You say you never were registered prior to the last elec- on?—A. No, sir; never was.

Q. Had you ever voted here?—A. Yes, sir; I have voted here.

Q. How often?—A. Once, when the President's election was, before is last.

Q. You voted for Hayes?—A. I don't recollect the man's name now voted for.

Q. Then you voted at the last Presidential election before this last ie?—A. Yes, sir.

Q. Well, now, don't you know that you couldn't have voted unless ou was registered; therefore you must have registered before this last election?—A. Well, I know I voted; I know that.

Q. But don't you know you couldn't have voted unless you had registered?—A. I know the last time I voted I went to the city hall and registered. I didn't vote at all this election.

Q. Don't you know the fact? Answer the question; that you couldn't ve voted at the Presidential election four years ago unless you had gistered?—A. Yes, sir; I know the fact.

Q. Well, why didn't you say that you had registered before?—A. Of course I had registered before, but then it has been so long, I don't eep them things in my head.

Q. Now, where were you living when you registered before?—A. l28.

Q. 1128 what street?—A. North Eighth.

Q. How far is 1128 North Eighth street from the place that you were living in on election day?—A. Three blocks.

14 Q. That is in a different polling precinct?—A. That I couldn't state.

Q. After you moved away from the house from which you had registered, did you notify any officer of the fact of your removal from one house to the other?—A. Yes, sir; I told them where I lived. I told them where I had lived at the time I registered before.

Q. Now did you actually register, or did you obtain a transfer?—A. I registered; I didn't take no transfer at all.

Q. Don't you know that if you had been previously registered, four years ago, that there was no necessity of your registering again?—A. I don't know.

Q. You don't know which you did, whether you registered or transferred?—A. Well, I registered, but they didn't give me no paper. 15 nor nothing of that kind; they asked me what I wanted; I told them a register; and they wrote my name down on the book.

Q. Well, did you live front or rear of 1115 North Eleventh?—A. In the rear.

Q. Are you sure that when you went to the city hall you gave your number as 1115 North Eleventh?—A. Yes, sir; I am sure.

Q. That is what you gave to the officers that had registered you?—A. Yes, sir; that is what I gave them.

Q. Or transferred—whatever it was?—A. Yes, sir.

Q. Now you went to two or three polls that day?—A. Yes, sir; I did.

Q. You couldn't find your name?—A. I couldn't find my name.

16 Q. What did the judges say to you?—A. They asked me about my name, I told them my name; they said my name was not on the book, and that I couldn't vote.

Q. That is all that happened?—A. That is all they said to me.

Q. At any poll that you went to?—A. At any poll that I went to.

Q. They just simply said they couldn't find your name and you couldn't vote, so you went away?—A. Yes, sir; they couldn't find my name and I couldn't vote, so I went away.

Q. You have stated fully now all that transpired?—A. Yes, sir.

By Mr. POLLARD:

Q. I want to ask you what you did at the city hall, what did you tell the clerk inside, at the city hall?—A. I told him I come there to register.

17 Q. Did you tell him where you lived?—A. Yes, sir; I told him where I lived.

Q. Did you tell him where you had previously lived, before that?—A. Yes, sir; I did.

Q. You told him you had moved from that place to 1115 North Eleventh?—A. Yes, sir.

Q. In the rear, did you tell him?—A. Yes, sir; particularly told him that.

Q. And then what did he say to you?—A. He asked me "What is the number," and I told him 1115.

Q. Did he swear you?—A. Yes, sir; made me hold up my right hand and then touch the pen when I was writing my name.

Q. Did you go to any other polls except the two which you have spoken of?—A. No, sir; none except them two—no other.

18 Signature waived.

JOHN PETER RAVOLD, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. What is your name ?—Answer. John Peter Ravold.

Where do you live ?—A. 1129 North Compton avenue.

You were one of the supervisors at polling precinct two hundred nine, were you not, on election day ?—A. No; I was not one of the United States supervisors.

What were your duties at that poll; that is what I understood; did you hold any official position at the poll that day ?—A. I did not.

Q. You voted at precinct two hundred and nine ?—A. I did. That is on the north side of Easton avenue, west of Webster ?—Yes, sir.

Were you at the polls all that day ?—A. Yes, sir.

Did you see a man vote there named Kaut ?—A. I did.

What is his first name ?—A. Henry L. Kaut.

And how do you spell it ?—A. K-a-u-t.

Do you know where he lived at the time of election ?—A. He lived Brantner Place, formerly called Division street.

Do you know how long he had been living there ?—A. He had lived there before the election about four or five months.

Q. Do you know what ticket he voted ?—A. He voted a Democratic ticket.

You saw his ticket ?—A. I saw Angus Cameron give him a ticket.

Do you know whether he was a qualified voter there in that precinct ?—A. He was not a qualified voter in the precinct.

What was the difficulty with him ?—A. He didn't give his residence; he gave where he works.

Now, he gave the place where he works as his residence ?—A. sir.

Where does he work ?—A. On Compton and Easton avenues, at Ley's drug store; he was a clerk there.

Who was the reviser in that ward ?—A. Mr. Saylor; O. P. Saylor.

Q. What, if anything, did you know about Mr. Saylor making transfers of voters from other precincts or other wards to that ward ?—A. I do not know from other wards, but in the ward he made transfers from one house; from one residence to another residence.

From one precinct to another ?—A. No; in the same precinct; he transferred them to their residence where they lived then from their former residence.

Do you know of his having done this in more than one instance ?

Yes, sir; he did it twice in my presence; he transferred Martin Junesky from Compton Hill and Thomas street; he is a conductor on Franklin Avenue Road; and James Murphy, I think, is from 1119 or 1120 Compton avenue.

Do you know of his refusing to make any transfers ?—A. I understood that Solari, who moved from one house of his to the other one in the same precinct, that he struck him off and would not transfer him.

Do you know what the politics of these two men were, that he did transfer ?—A. Democrats.

Do you know what the politics of this man was, that he refused transfer ?—A. Republican.

Cross-examination by Mr. DONOVAN, counsel for contestee.

Q. Where did Mr. Saylor do this thing?—A. In my presence; in my house.

Q. How long before the election?—A. About six or eight days before the election.

24 Q. Then this thing didn't happen at the polls?—A. No, sir; it happened at my house.

Q. There was no power to transfer at the polls; was there or was there not?—A. I can't say if he had power or not on the day of election; I think his power ceased when the revision ceased.

Q. How did he come to do this in your house?—A. I was appointed by the Republican Central Committee, to see to the interests of the Republican voters.

Q. And you then sought the company of Mr. Saylor when he was performing his duty as a member of the board of revision?—A. I requested Mr. Saylor to see me, and he gave me an appointment at my house.

25 Q. Mr. Saylor came to see you, instead of your going to see him.—A. Yes, sir.

Q. He came to your house, and there reported his work to you, you being an agent of the Republican Central Committee?—A. He did not report to me, but out of courtesy, he came to me and showed me that he did a fair work; and we compared notes, because I had a list of the Republicans from the Republican Central Committee, showing me all the Democrats that had moved.

Q. How long did he spend at your home?—A. About an hour and a half or two hours.

Q. And you had a list of removals, and he had a list of removals?—
26 A. He showed me those that he had struck off, and they were all Republicans, and not a single Democrat. I showed him the list of Democrats who had moved, and he was astonished, because the information he had from Democrats, even living in the house, was that those who had moved had never informed them—that is those in the house did not inform them of Democratic removals. Ah, you see now, Mr. Donovan, you there put your foot in it when you asked me this question, you see.

Q. And yet, in your direct examination, you have complaint to make of but one name, Mr. Solari; is that a fact or not?—A. I did not make a complaint, I stated facts.

Q. You have been asked by counsel for the contestant, Mr. Pollard, in regard to this very matter, and your whole testimony has 27 been that there were two Democrats that were allowed to transfer, and one Republican was refused. Is that a fact or not?—A. That is the evidence already given.

Q. And that is all that you said about it?—A. That is what I was asked. They failed to ask me any other questions. I am not going to inform them on any other points than what I am asked as a witness.

By Mr. POLLARD:

Q. What further was said by Mr. Saylor about striking off Democratic names where they had moved at that time?—A. He expressed a surprise for not having received information of the removals.

Q. Did he, in your presence there at that time, strike off any of these 28 Democrats that you suggested to him?—A. Those I knew personally who had moved I informed him. I told him the man of

whom he must inquire; that the list was merely handed to me; that I was not responsible for it; that he must inquire.

Q. What did he do with those names that you gave him of parties whom you know had moved?—A. Well, some of them presented themselves; others he did not strike off; he left them on the books, and if you give me a list I can show you those who had moved three or four years ago and are yet on the registration books.

By Mr. DONOVAN:

Q. But you know nothing about these people voting nor what action was taken in regard to their ballots when they presented themselves at the polls?—A. I know of it to-day.

Q. The judges at the polls refused to transfer them where they had removed. Now you were not present when they voted or when they presented their ballots, these people of whom you speak?—A. No, sir.

Q. Now, Mr. Saylor is an honorable gentleman?—A. I always looked upon him as such.

Q. A man of means and of large business interests here?—A. Yes, sir.

Q. And a man who took the trouble to come to your house, although you were a Republican agent, to compare notes with you?—A. Yes, sir.

By Mr. POLLARD:

Q. What did Mr. Saylor inform you had been his method of ascertaining whether these people had removed, or died, in a ward?—A. He went to parties and inquired.

Q. He told you that is what he did?—A. He got information from residences there. He seemed to try to do his work as honestly as he could.

Q. What did he say to you, if anything, about employing persons to get this information for him?—A. I do not know that he stated anything in relation to that.

Signature waived.

31 MOSES PAGE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Moses Page.

Q. Where do you live?—A. I lived 2014 Biddle street at the time I was registered.

Q. How long have you lived there?—A. I went there in the spring, now I forgot the exact month.

Q. Last spring?—A. Yes, sir; I staid there till after the election.

Q. How long have you lived in the city, Mr. Page?—A. I have been here about eight or nine years.

32 Q. Had you ever voted in this city before the last election?—A. Yes, sir.

Q. Now, did you go to the city hall a few weeks before this last November election to get a transfer to 2014 Biddle?—A. Yes, sir; I went there and registered from where I lived at.

Q. You mean by that?—What did you do; did you tell the clerk inside of the counter at the city hall where you had lived before then?—A. Yes, sir: he asked me where did I live then when I registered before, and then where I lived now.

Q. That is what you did there?—A. Yes, sir.

Q. And he gave you no paper, or did he?—A. No, sir.
33 Q. He told you that was all right?—A. He told me that was all right.

Q. Now, did you go to the polls on election day?—A. Yes, sir; oh, yes, sir; I was there.

Q. Where were those polls; where was that place of voting?—A. On Biddle street, as near as I can recollect now; Biddle, somewhere near Twentieth.

Q. How far from where you lived was it?—A. I declare it is, as near as I can guess at it, it must be two blocks.

Q. Which way?—A. Towards the river, down this way [indicating].

Q. Which side of Biddle street was that poll on?—A. On that side [indicating].

Q. That is the north side?—A. On the north side; yes, sir.

Q. And about two blocks east from where you live?—A. As near as I know now; I disremember exactly.

34 Q. You don't remember the number of the polls?—A. No, sir; I don't; they bothered me so; told me I couldn't vote; to go away and not come back, and so I went away.

Q. Did they find your name on the polling books?—A. They did start once to take my vote.

Q. Why didn't they take your vote?—A. A man said that I didn't live there; that is all I could learn.

Q. Did you hand your vote in?—A. I started to hand it in, and they objected to it; they wouldn't take it.

Q. What ticket did you offer to vote there that day, the Republican ticket?—A. Yes, sir; Republican.

Q. Now, how old are you?—A. I don't know exactly how old
35 I am. I guess I am between thirty and thirty-one or thirty-two; somewhere along there; I guess about that age.

Q. You are a colored man?—A. Yes, sir.

Q. You have always lived in the United States?—A. I have always lived in the United States.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. They found your name on the list as registered from the place that you had moved from?—A. They didn't tell me whether they did or not; they just asked me that.

Q. The name of Moses Page on the book appeared from your last place of residence, not from 2014 Biddle street?—A. That was
36 not my fault; I told them where I was living at; then they took my name again.

Q. When did you go to the city hall prior to the election?—A. The week before the election, I believe.

Q. Who did you go there with?—A. Went with a man by the name of William Turner, Bill Turner, a colored man.

Q. Who got you to go there?—A. I don't know; nobody got me to go; there was a wagon to go there, so we got into the wagon and rode down.

Q. Somebody invited you into the wagon?—A. Yes, sir; but I don't know what that man's name was; I was not acquainted with him.

Q. Was he a white man or a colored man?—A. A colored man.
37 Q. Was it about a week before the election?—A. As near as

I can recollect, it was somewhere along around there.

Q. Did he show you through there?—A. I attended to the matter

elf; he never had nothing to do with me, no more than he went e to see that I registered.

. Now, of course, you needed a transfer, but are you sure that you ined it?—A. He didn't give me any transfer.

. How many polls did you go to on election day?—A. I only went e because I know I couldn't vote anywhere else; my name was no-
re else.

. Where had you been living previous to living at 2014 Biddle?—

 A. Well, I had been living at 922 on Biddle street.

 Q. How far are these two places apart?—A. They are a good ways apart.

. Well, did you go to the voting precinct in which 922 Biddle or the precinct in which was 2014 Biddle?—A. I went to 2014 lle, where I registered from, where I was living at then.

. But you were on the books at 922 Biddle?

ITNESS. 922?

CUNSEL. Yes.

ITNESS. On the books?

CUNSEL. Yes.

. No, sir; you are mistaken; you must be mistaken.

. That is where you registered from?—A. I registered from 2014 lle street or 2016, I don't know which it is.

. I am asking you where you registered from when you first regis-
d?—A. O, I don't remember now exactly where that was, what the
number was.

 Q. Well, about where was it?—A. I don't remember exactly
where it was, to tell you the truth; it has been so long ago, and
d so many things since then to bother me, that I don't remember.

. Tell us if you know?—A. I don't know where it was, what place,
hat number it was.

. I ain't asking you for the number; what part of the city was it;
t street?—A. Well, it was on Seventh street.

. Seventh and what?—A. Seventh and Wash.

. How far is that from 2014 Biddle?—A. Well, it is about seven
ks.

. It is not in the same polling precinct?—A. No, sir.

 Q. Now did you live front or rear of 2014 Biddle?—A. Rear.

 Q. You are sure that when you registered you gave your num-
ber as 2014 Biddle?—A. Yes, sir; I think I did, as near as I can
llect.

By Mr. POLLARD:

. Now, you stated that you got no transfer. What do you mean;
you got no transfer ticket?—A. They never give me no ticket, but
asked me where I lived at, and I told them.

gnature waived.

WILLIAM JOHNSON, produced, sworn, and examined on the
part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

uestion. What is your name?—Answer. William Johnson.

. Where do you live?—A. I live at Fourteenth and Biddle now.

. Where did you live on election day?—A. Fourteenth and Biddle et.

. On the corner?—A. In the rear.

Q. Well, is it in the rear of the corner of Fourteenth and Biddle?—
A. Yes, sir; yes, sir.

42 Q. How long have you lived there?—A. I have lived there since, well going on seven months.

Q. How long have you lived in the city?—A. I have been here nearly four years.

Q. In this city?—A. Yes, sir.

Q. How old are you?—A. I am twenty-eight years old.

Q. You are a colored man?—A. Yes, sir.

Q. You have always lived in the United States?—A. Always lived in the United States; yes, sir.

Q. Have you ever registered?—A. Yes, sir.

Q. When did you register at the city hall?—A. Nearly four years ago, sir.

Q. You were not then living in the rear of Fourteenth and Biddle?—A. Not altogether.

43 Q. Did you go to the city hall and get a transfer from the place where you were living when you registered, to the rear of Fourteenth and Biddle, just before this last election?—A. No, sir; I did not know that I had to do it, sir.

Q. What did you do, did you vote?—A. Well, I went to vote.

Q. You went to the polls?—A. Yes, sir.

Q. On election day?—A. Yes, sir.

Q. What polls?—A. I call it between Thirteenth and Twelfth.

Q. On what street?—A. On Biddle street.

Q. Which side of Biddle?—A. I believe it is on the south side of Biddle. On this side [indicating]; on the north side it is that way. On the north side; yes, sir.

Q. Well, what did you do at the poll?—A. I went there to swear 44 my vote in, and they rejected of it.

Q. You offered to register there at the polls?—A. Yes, sir.

Q. And they refused to let you do it?—A. Yes, sir.

Q. What reasons did they give you?—A. One man, by the name of Patterson, he rejected me. One man was going to swear me, but a middle-aged man, I suppose it was that gentleman with the glasses on—

Q. Well, any way, they refused to let you swear in your vote, and they refused to let you vote?—A. Yes, sir; they said I had not been in that ward long enough. I was going to vote a Republican ticket.

45 Cross-examination by Mr. DONOVAN:

Q. Just tell us all that transpired at the polls.—A. Yes, sir; I want to do that.

Q. Now, state it fully; give us every fact?—A. I am going to give it to you as near as I can get at it. I went there and offered to vote; they took me inside, and one gentleman said, "Should I swear him in?" and the other one said, "No; he hasn't been in this ward long enough."

Q. Go on and state everything that you know transpired there.—A. That is nearly all that I know.

Q. Now, that was all that was said and done there?

WITNESS. You say was that all that was said and done?

COUNSEL. That is my question.

A. I don't really know whether that was all, because—

46 Q. Well, I want you to go on and state all that you said and all that you did; you ought to know it, you can give it to us fully?—A. Well, I went in and told them I wanted to swear my vote

they asked me had I registered. I told them, yes, sir, at the city I nearly about four years ago; and a man by the name of Patterson d he couldn't allow that, because I hadn't been in the ward long enough.

Q. The gentleman told you you had not obtained a transfer?—A. , sir; he didn't say that.

Q. But you hadn't obtained a transfer?—A. No, sir.

Mr. DONOVAN. This being another of those cases where the gentleman did not get a transfer, we will excuse the witness.

Signature waived.

HENRY JOHANNIGMEYER, produced, sworn, and examined on the part of contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Q. Question. What is your name?—Answer. Henry Johannigmeyer.

Q. Where do you live?—A. 1614 Hebert street.

Q. How long have you lived there?—A. About two years and five months.

Q. How long have you lived in the city of Saint Louis, Mr. Johannig-
meyer?—A. About fifteen years.

Q. How old are you?—A. Thirty-two.

Q. How long have you lived in the United States?—A. Fifteen years.

Q. Have you ever been naturalized; did you get your natural-
ization papers?—A. Yes, sir.

Q. Have you registered at the city hall?—A. Yes, sir.

Q. Did you get any transfer from where you had registered?—A.
s, sir.

Q. To 1614?—A. Yes, sir.

Q. How long before election did you get that transfer?—A. About
years.

Q. You got that about two years ago, since you moved to 1614
Hebert?—A. No, sir; I got it when I moved there.

Q. You got it after you moved there?—A. Yes, sir.

Q. Now, did you go to the polls on election day, Mr. Johannigmeyer?
—A. Yes, sir.

Q. Did you vote?—A. Yes, sir; they wouldn't let me vote,
they said, because my name was on the stricken-off list.

Q. But afterwards you did vote?—A. Yes, sir; I voted at last.

Q. What ticket did you vote?—A. I voted the ticket; they rejected it.

Q. I mean what ticket, Republican or Democratic?—A. Republican
cet I voted.

Q. What did they do with your ticket?—A. They put it in an en-
ope.

Q. And whether they counted it or not you don't know?—A. I don't
ow; they may have put it in the stove.

Q. They didn't put it in the box while you were there?—A. No,
sir.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. Are you a married man?—A. Yes, sir.

Q. Do you live front or rear at 1614 Hebert?—A. There is only one
ise and that is in the middle of the lot.

Q. That section of the country is not built up?—A. No, sir.

Q. The numbers don't run regularly?—A. Oh, yes, sir.

Q. Who was the reviser there?—A. Stotleben had control of it.

Q. Is he a Republican or Democrat?—A. I never asked him about that, what he is.

Q. What do you suppose he is?—A. I thought he is a Democrat.

Q. Is he a friend of yours?—A. I don't know that he is.

Q. Have you ever had any acquaintance with the gentleman?—A. I know him by face, but we never done any business together; I 52 know him by face, that is all.

Q. How do you account for your name being off the list?—A. I can't tell that, how that happened.

Q. I will ask you again if the revising officer, Stotleben—if you did not speak with him in regard to your name being off the list?—A. I asked him about how that was, and he said he didn't know anything about it; that is all the answer he gave me.

Q. You voted, did you?—A. Yes, sir.

Q. When you previously registered, where were you living?—A. In the same place where I am living now, 1614.

Q. You could not have been living there when you registered before the last time, because if you had been registered there at that 53 place, there was no necessity of your reregistering?—A. I got transferred.

Q. When you first registered where were you living?—A. I couldn't tell exactly; it might be on Hebert street; it may have been from Angelrodt and Klein street; I moved from there and got transferred.

Q. Where were you living when you registered the first time?—A. On Hebert street, but not the same number.

Q. Give us an account of how many removals you have made of your residence, then we will be able to get at it. You are a very intelligent German, and you can state that.—A. I couldn't tell that exactly. When

I got registered I know I was living on Hebert street, though. 54 Q. 1614?—A. Not 1614; it was 1620 or twenty-two, or twenty-four—yes, twenty-four was the number.

Q. Which number is correct now, 1614, 1620, 1622, or 1624?—A. I couldn't tell exactly what number that house is now, whether it is twenty-four or twenty-six.

Q. Well, the reviser would have just about as much trouble as you would, I presume?—A. The number was right on the list.

Q. You can't tell us now what was the number of your own house, whether it was 1614, 1616, 1620, 1622, 1624, or 1626?—A. My house where I am living in now, where I got transferred, is 1614.

Q. Before you lived at 1614, where did you live?—A. I lived at Angelrodt and Klein streets.

55 Q. How far is that from 1614 Hebert street?—A. Well, it is about eight or nine blocks.

Q. It is not in the same polling precinct?—A. I never voted at that place.

Q. I say it is in a different polling precinct?—A. Yes, sir.

Q. Now, after you moved from Angelrodt street to 1614 Hebert street, you appear to have changed your residence to other numbers on the street, 1620, or 1624, or twenty-six, on the same street?—A. Of course, I did; I went to the city hall to get changed to 1614.

Q. But then you moved to 1620, or 1624?—A. Not afterwards; I lived there four or five years ago, that is what I mean. I got transferred to 1614 two years ago.

56 Q. Do you mean to say that you lived on Hebert street?—A. I have been since four or five years ago.

Q. I know; but you have changed your residence on that very

reet?—A. Yes; I moved away from there once to Klein street and Angelrodt, and then moved back again.

Q. While you were living on Hebert street you changed from one house to another?—A. Yes, sir; I did that.

Q. Did you get transfers when you changed?—A. I got a transfer election day; no; not on election day at the polls, but before.

Q. But you appear then to have lived in three houses on that very street, 1614, 1620, and 1624. Now, did you obtain transfers when you made these removals?—A. Yes; always got transfers when I moved.

Q. Then you were transferred three times at the city hall?—

A. No, sir; not three times.

Q. Where did you get your transfers?—A. I got my transfers at the city hall for the last two years going, at 1614—

Q. Since you lived at 1614, on Hebert street, have you changed to these various numbers that you have been speaking of?—A. No, sir; always lived in the same house.

Q. What do you mean by giving us these numbers, 1620, 1622, and 24?—A. You asked me if I lived there before.

Q. And you were?—A. I live here now two years and six months.

Q. That aint what I am asking you. I am not asking you why you made these removals, but why you didn't obtain transfers for these various removals?—A. I didn't obtain transfers at that time when I moved from one house to the other.

Q. You were not transferred?—A. I didn't vote at that time either.

Q. And got no transfer?—A. No, sir.

By Mr. POLLARD:

Q. Mr. Johannigmeyer, you first lived at 1620, or about that, on Hebert street?—A. I lived 1620 to 1624, I don't know the number exactly.

Q. Then you moved to the corner of Angelrodt and Klein street?—
Yes; I moved there.

Q. You got a transfer then?—A. Yes, sir; I got a transfer when I moved back again.

Q. Then you moved back into 1614 Hebert street?—A. Yes, sir.

Q. And then you got a transfer?—A. Yes, sir.

Q. And you have lived there ever since?—A. Yes, sir.

Q. Now, state whether or not Stotleben and Israel knew that you did live at 1614 Hebert.—A. They knew it just as well as I did. Meier was at the house and knew it.

By Mr. DONOVAN:

Q. He was at the house when?—A. About fourteen days before the election; not in the house, but on the corner in the store. I just met him there.

Q. And he was there engaged in the work of revision?—A. Yes, sir; I he asked me, "I know where you live, that is all right," he says. e asked me about other names, and I told him that they all lived here, and afterwards they got struck off of the list.

Signature waived.

HENRY MEIER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Henry Meier.

Q. Where do you live?—A. 1633 Lucas street or Sullivan avenue, as they call it now; it was Lucas street before.

Q. How long have you lived there?—A. About five years; and then I was registered at the city hall about two years ago, before this last city election.

Q. How long have you lived in the city, Mr. Meier?—A. Twenty-eight years; thirty years I have been here in this city, but I am twenty-eight years in the Fourteenth ward.

61 Q. How old are you, Mr. Meier?—A. Sixty years; a little bit over.

Q. How long have you lived in the United States?—A. I came right away from Germany over here.

Q. Have you ever taken out your papers, your naturalization papers?—A. Yes, sir.

Q. Now, Mr. Meier, you say you have registered at the city hall?—A. Yes, sir.

Q. How long ago since?—A. Two years, this spring it is two years ago.

Q. Did you register or get a transfer?—A. I changed my number.

Q. You got a transfer?—A. I changed my place; that is about five years ago.

Q. And then you got a transfer to 1633 Lucas street?—A. Yes, sir.

(Mr. Donovan, counsel for the contestee, objects to putting words into the mouth of the witness, and desires that the counsel for contestant ask for the facts.)

By Mr. POLLARD:

Q. Have you ever voted since you lived on Lucas street?—A. No, sir; I voted at the city election, and changed my place and then voted.

Q. You were living at this same place?—A. Yes, sir.

Q. Now, did you go to the polls on election day last November?—A. Yes, sir; and they refused me, but took my vote under protest.

Q. What polls did you go to; whereabouts were those polls?—A. Seventeenth and Wright street.

Q. Now, when you went to the polls, was your name on the poll book there?—A. No; they had struck it out.

Q. It was on the stricken list, was it?—A. Yes, sir; they had put it out; that was all they said to me.

Q. Then what did you do?—A. Well, there was a report that I shall not vote, so Mr. Reipschlaeger, he knew me, I gave it to him, and he told me the vote was good for nothing.

Q. Did they just put it in the ballot-box?—A. I don't know; he say, "Come back." I say, "Will it go into the box?" He say, "No, it don't go into the box."

Q. What ticket did you vote, Republican or Democratic?—A. Yes, sir; Republican ticket all the time. Mr. Frost is a gentleman, but then I can't vote for the Democratic ticket, because I am Republican; I won't change my vote.

Cross-examination by Mr. DONOVAN, counsel for contestee:

64 Q. Do you know the reviser was in your ward, the man that went around before the election to ascertain whether the people were dead or removed, or whether they lived at the places from which they had registered?—A. No; I never seen him; they told me there was such a man; they said he was in my neighborhood, but I never have seen him.

Q. The reviser was in the neighborhood there, but you were not at home when he came to your house?—A. I was not.

Q. Do you live upstairs or downstairs?—A. Upstairs.

Q. Who lives downstairs?—A. I don't know; it is changed sometimes; my landlord is Hegemeier.

Q. Who is that man that lives downstairs?—A. I don't know what his name is.

Q. How many families live in that house?—A. Five; they change sometimes; two behind and three in front.

Q. Do you live upstairs front, or do you live in the rear?—A. In the front; I have been there five years.

Q. You have a room upstairs?—A. Yes, sir; two rooms. You know my neighbor, what is near to me?

Q. The people that live in the house have been coming and going frequently?—A. Yes, sir; what I care about it. I know not his name; that is not my business.

Q. You don't know who they were yourself?—A. No, sir; what do I care about it?

Signature waived.

CHARLES P. MUELLER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Charles P. Mueller.

Q. Where do you live?—A. On Fourteenth street close on Biddle.

Q. What is your number, do you know?—A. I got it here.

Q. Do you know the number of your house?—A. Yes, sir.

Q. What is the number of it?—A. It is on that paper. I don't keep it in my head. I live there eleven years. I live in the rear, that is the reason.

(Mr. Pollard reading from paper handed him by the witness.) "1124 orth Fourteenth street;" is that it?

A. Yes, sir; second house from the corner of Biddle.

Q. You have lived there eleven years?—A. Yes, sir.

Q. How long have you lived in the city, Mr. Mueller?—A. About thirty-seven years.

Q. How old are you?—A. Sixty-two.

Q. How long have you been in this country?—A. Just as long as I n in Saint Louis.

Q. Have you ever taken out your naturalization papers?—A. Oh, yes; thirty years ago.

Q. Have you ever registered at the city hall, Mr. Mueller?—A. Yes, sir; I registered on Biddle street and Fourteenth street.

Q. You registered once when you lived on Fourteenth street?—A. Yes, sir; the same place where I live now.

Q. Have you moved since you registered?—A. No, sir; I have voted several times since I lived there.

Q. Did you go to the polls on last election day?—A. I was there, but they wouldn't take my vote; they said I had not registered.

Q. What polls did you go to?—A. On Carr street, between Fourteenth and Fifteenth.

Q. Was your name on the poll book there?—A. Well, I don't know.

Q. You don't know whether it was or not?—A. I don't know.

Q. You offered to vote there, did you?—A. Yes, sir.

Q. And they refused you?—A. They refused. Some people

69 told me that they have given their tickets to the supervisor there, and in the evening I gave my ticket too, with my name on the back of it, to the supervisor.

Q. What ticket did you vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Are you sure that when you registered you gave your number as 1124 North Fourteenth street?—A. Yes, sir; I gave him my citizen papers.

Q. But when you registered did you give your number as 1124 North Fourteenth street?—A. Yes, sir. I will tell you who was register at that time.

Mr. POLLARD. Never mind that.

By Mr. DONOVAN:

70 Q. How does it come that you are not able to tell the number of your house?—A. I don't go in front; I go always out in the rear. My house is right on Biddle street; my room is, I mean.

Q. Have you got one or two rooms?—A. Eh? One.

Q. You are not a married man?—A. Yes, sir. I sent my family into the country. She is sick; my wife is.

Q. Where in the country?—A. Out here in Central Township.

Q. Outside of this Congressional district?—A. I don't know what district it is in.

Q. Your family is living out there?—A. Yes, sir. My wife was sick and I moved in, and I had to move out again; my wife has been sick for years.

Q. And when the reviser came around she was living in Central Township?—A. Yes, sir.

(Mr. Donovan, counsel for the contestee, again renews his objection to counsel for the contestant instructing the witness what he shall say.

Mr. Pollard, counsel for the contestant, objects to that objection as not based on facts.)

By Mr. DONOVAN:

Q. Now, do you live in the rear?—A. Yes, sir; I live there eleven years.

Q. And your family at this time lived in Central Township?—A. Yes, sir; I never moved out myself. I am foreman in the Kingsland machine-shop; I have been for thirty-seven years. I work in one place thirty-seven years.

Q. But at the time the reviser came around your family lived in Central Township?

WITNESS. When they took the census, do you mean?

72 Q. Not at all. When the member of the board of revision came around he found you were not living at 1124, that your family was living in Central Township?—A. That may be; I don't know nothing at all about that.

Signature waived.

73 FREDERICK STEINKEMPER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Frederick Steinkemper.

Q. Where do you live, Mr. Steinkemper?—A. I live 1322 Hebert street.

Q. You were judge of election at precinct one hundred and forty-seven on last election day, were you?—A. Yes, sir.

Q. Did a man named Frederick Volke apply there to vote?—A. That is Fred. Vohle.

Q. How do you spell it?—A. Please give me a pencil, and I will show you. V-o-h-l-e.

74 Q. Was his vote received?—A. He was struck from the list.

Q. Did you know this man?—A. Yes, sir.

Q. How long have you known him?—A. I have known him about eighteen years.

Q. Where does he live?—A. He lives 1414 Hebert street.

Q. How long has he lived there?—A. At least fourteen years and a half.

Q. How old is he?—A. Well, he is about forty-eight.

Q. How long has he lived in the city of Saint Louis, to your knowledge?—A. That is more than I can tell you, but I know he lived in Saint Louis for a long time, because he is his own landlord there; he has built there very long.

Q. Do you know whether he had voted at any election heretofore?—

A. Yes, sir.

75 (Mr. Donovan, counsel for the contestee, objects to making any inquiry in regard to this fact, for the reason that the gentleman himself is within reach of the process of this officer.)

By Mr. POLLARD:

Q. Do you know what ticket he offered to vote at this last election?—A. Republican ticket.

Q. Do you know whether any Chronicle tickets were offered at that poll on that day?—A. Not what I know.

Q. You don't know anything about that?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You were a Republican judge at that poll?—A. Yes, sir.

76 Q. And you were a friend of this man?—A. I am not his friend; I know him.

Q. Well, you have often talked with him?—A. I have talked with him; I have met him.

Q. You have met frequently in fourteen years?

WITNESS. Is this Vohle? Which man do you mean?

COUNSEL. The man that you have been testifying about.

A. He lives about one hundred and fifty feet from my house.

Q. But you are a friend of his?—A. Certainly, I am.

Q. Often speak with him?—A. May be sometimes a month that I don't see him; sometimes a couple of times in one day.

Q. What is his business?—A. He used to work in Filley's foundry, but whether he works there now or not I can't tell.

Q. He is in the city?—A. Yes, sir.

Q. Do you know whether or not he has been subpoenaed here?—A. That I don't know. I know how it come that Stotleben and Israel struck him from the list. I know the reason why they struck him from the list.

Q. That is, you understand the mental processes of Messrs. Stotleben and Mr. Israel?—A. Yes, sir. Will you allow me to tell you that, why he was stricken from the list?

Mr. DONOVAN. I have no objection.

A. Well, he owns two houses, one built in the front and one built in the rear—about twenty-five feet in the rear—and he lived there since

he built there nearly fifteen years now. Now, he always lived
 78 downstairs; but then he moved upstairs. So this last election he
 moved from upstairs to downstairs again. Of course it is only
 one number there for all that place. They all got registered for 1414
 Hebert street, even those that lived in the rear.

Q. How many people lived there?—A. There is sometimes four families live there.

Q. And you think that is where that mistake occurred?—A. Yes, sir; because I know so.

Q. Mr. Stotleben went around through your ward as a member of the board of revision?—A. Yes, sir; and a young man by the name of Israel.

Q. They both went around?—A. Yes, sir.

Q. Performing their duty as members of the board of revision?—A. Yes, sir.

Q. You saw him in his rounds?—A: Stotleben? I met him on
 79 the street, and I talked with him about that matter. We know each other a long while. He knows me about thirty-five years.—

Q. You think you can account for how this man was left off the list?—A. Yes, sir.

Q. On account of these removals upstairs and downstairs of which you have spoken?—A. Yes, sir.

Q. Did he ever live in the rear?—A. Well, I believe he did live in the rear of the front house.

Q. On what street is the rear of that lot?—A. It is on the south side of Hebert street.

Q. What street runs in the rear?—A. No street at all. There is an alley. It is about the middle of the block.

80 Q. Is that place built up?—A. Yes, sir; the whole street.

Q. Is there not some vacant lots in the rear?—A. No, sir.

Q. Across the street?—A. No, sir; there is vacant lots on the north side of Hebert street.

Q. Ain't there vacant lots to the south of that lot?—A. There is, on Sullivan avenue.

Q. So the rear of it is on Sullivan avenue?—A. Yes, sir.

Q. And he lived there at one time?—A. He lived on the lot 1414.

Q. But I say the rear is on Sullivan avenue?—A. South of the alley.

Signature waived.

81 AUGUST BETHGE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. August Bethge.

Q. Where do you live?—A. Northeast corner of Twenty-first and Wash.

Q. How long have you lived there, Mr. Bethge?—A. Three months.

Q. Where did you live on election day?—A. 1527 Carr.

Q. How long have you lived there?—A. Eighteen months.

Q. How long have you lived in the city?—A. Six years.

82 Q. How old are you?—A. Thirty-six.

Q. How long have you lived in this country?—A. Nine years.

Q. Have you ever been naturalized?—A. Yes, sir.

Q. Have you ever registered at the city hall?—A. Yes, sir.

Q. How long was it since you registered?—A. 1876.

- . Four years ago?—A. Yes, sir.
- . Did you go to the city hall last fall, before the November election, get a transfer to 1527 Carr?—A. Yes, sir.
- . Did you go to the polls on election day?—A. Yes, sir.
 - Q. What polls?—A. Northwest corner of Sixteenth and Wash.
 - Q. Did you vote?—A. I voted under protest.
 - Q. Was your name on the polling list when you got there?—
No, sir.
- . What was done with your vote?—A. They put it alongside of the
- . Who took your vote, or don't you know?—A. The supervisor.
- . What ticket did you vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- . How far is 1527 Carr, the place that you registered from, from the heast corner of Twenty-first and Wash?—A. About five blocks.
 - Q. It is in a different polling precinct?—A. Yes. I moved there on the fifteenth of November, after the election.
 - Q. When you registered, four years ago, where did you live?—
I was living on Madison street at that time.
 - What number on Madison street?—A. I think it is 1523.
 - How far is 1523 Madison street, the place that you registered from, from 1527 Carr?—A. Well, sir, at that time I moved several times. I transferred from there; I got transferred over to 1009 North venth street, and from there I moved to 1527 Carr, and got trans-ed.
 - How niany removals have you made?—A. About three or four before election, during the time that I am here in Saint Louis.
 - Q. Did you notify the officers at the city hall of these various removals?—A. I did.
 - Did you go each time that you removed to the city hall and there eavor to obtain a transfer?—A. Yes, sir; when there was an elec-there.
 - So you got three or four transfers?—A. Yes, sir.
 - You are sure, now, that you were transferred three or four times?—
I am.
 - Do you live front or rear of 1527 Carr?—A. Live in front.
 - Are you a man of family?—A. No, sir; I am single.
 - Q. You board there?—A. I have a room, which I occupy.
 - Q. How many people live in the same house?—A. One family in the front.
 - You live upstairs?—A. Yes, sir.
 - You were not present when the reviser came around?—A. That ain't say; I was asleep, I guess; I sleep in the daytime; my occu-ion is at night.
 - What is your occupation?—A. Private watchman.
 - So you think you were asleep when he came there?—A. Just pos-e. I guess they told him that I was living there. I think the wo-down-stairs told him my name; I know she did; I inquired ut it.
 - It is your opinion that she did?—A. Yes, sir.
 - Are you sure that you went to your proper polling precinct?—A. I am, sir.
 - Q. Do you know the boundary lines of that polling precinct?—A. Yes, sir.
 - Give them.—A. From Fifteenth to Seventeenth and from Wash

to Carr; from the west side of Fifteenth street to the east side of Seventeenth, and from the north side of Wash to the south side of Biddle.

Q. Do you know the number of the precinct?—A. I am not sure; I think it was 193; I am not sure of it.

Q. Now, when did you go to the city hall to obtain a transfer to 1527 Carr?—A. I went there the first week after the recorder of voters' office opened; I can't say exactly the date; I think it was the 9th of October; I can't recollect the date—what date it was.

88 Q. How long before the election?—A. About three weeks before the election.

Q. Who did you see at the city hall?—A. I saw several young bookkeepers—young gentlemen that transferred me and handed me a slip of paper with the number of the district that I had to vote in.

Q. What was the precinct? Who was the reviser in your ward?—A. That is what I can't tell; I don't know his name.

Q. Don't you know him?—A. I don't know.

Q. Do you know his name?—A. No, sir.

Q. Is he a German?—A. No, sir; he is an American.

Q. You are a German?—A. I am, sir.

Q. Well, you put in a vote there?—A. I did, sir.

Q. What did the judges say to you when you came to the 89 polls?—A. They told me that my name was not on the book, and then a gentleman that lives right in my neighborhood, he testified that I lived there eighteen months; his name is Louis Cornelius.

Q. All that you did there was to offer to vote?—A. I did.

Q. That is all?—A. That is all.

Signature waived.

90 GEORGE Ross, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. George Ross.

Q. Where do you live?—A. Lindell avenue; that is what they call it. Some people says the name of the street is changed.

Q. What to; to Saint Louis?—A. To Bacon street.

Q. What number; do you know?—A. 3607.

Q. How long have you lived there?—A. I have been there nearly ten months.

Q. How long have you lived in the city?—A. I been here 91 about thirteen years.

Q. How old are you?—A. Thirty-four years old.

Q. You are a colored man?—A. Yes, sir.

Q. You have always lived in the United States?—A. Yes, sir.

Q. Have you ever registered at the city hall?—A. Yes, sir.

Q. How long ago since you registered?—A. I think it was near fifteen days before the election, or twenty. I disremember as to the day.

Q. What did you do when you went to the city hall fifteen or twenty days before the election?—A. I registered.

Q. Did he give you a transfer ticket, or any ticket there, when you went there?—A. No, sir.

92 Q. What did you tell the clerk at the city hall there?—A. I told him I wanted to get registered.

Q. You never had been registered before, had you?—A. No, sir.

Q. But you registered at that time?—A. Yes, sir.

Q. Did you ever vote in this city?—A. No, sir.

- Q. Did you go to the polls on election day?—A. I did.
 Q. Where were those polls that you went to?—A. On Saint Louis Avenue. I forget the name of the other street.
 Q. Was it Elliott?—A. I am not positive; but I think that is what was, sir.
 Q. Do you know the number of the precinct?—A. No, sir; I do not.
 Q. Well, when you went to the poll did they find your name on the poll book?—A. They did not, sir.
 Q. Did they find on the book that it had been stricken off?—
 A. No, sir; they said it was not on at all.
 Q. Did you vote?—A. No, sir.
 Q. Did you offer to vote?—A. I did.
 Q. What ticket?—A. Republican ticket.
 Q. Now, did you go to the proper polling place for 3607 Lindell Avenue?—A. Yes, sir.
 Q. How do you know that?—A. There is a man that lives in the building that I do; he voted there.
 Q. What ticket did you offer to vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. Is that section of the town built up?—A. No, sir; it is not very well built up.
 Q. It is scattered?—A. Yes, sir.
 Q. You don't know whether it is what is called Lindell avenue or Con street?—A. No, sir; I do not; I get letters for Lindell avenue here.
 Q. How many people live there in the same house?—A. One family besides myself.
 Q. You live in the front or rear?—A. Front.
 Q. Do you live upstairs or downstairs?—A. Upstairs.
 Q. This other family lives downstairs?—A. Yes, sir.
 Q. Were you present when the revising officer of that ward visited the place?—A. No, sir; I was at work.
 Q. Are you married or single?—A. Married.
 Q. Is the other family a colored family?—A. Yes, sir.
 Q. The other colored voter cast his ballot?—A. Yes, sir.
 Q. Can you read?—A. No, sir.
 Q. How do you know that you had a Republican ticket in your hand you couldn't read it?—A. I was told so by a man that lives right by, s man named Baker, there.
 Q. Do you know whether he told you the truth or not?—A. I am not positive, sir; I couldn't take an oath on that.
 Q. You couldn't take an oath as to what that ballot was, not being able to read it?—A. No, sir.

Signature waived.

HENRY HENSIEK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

- Question. What is your name?—Answer. Henry Hensiek.
 Q. Where do you live?—A. 1410 North Thirteenth.
 Q. How long have you lived there?—A. I have lived there a little over nine months.
 Q. How long have you lived in the city?—A. About twenty-eight years.

Q. How old are you?—A. Going on twenty-nine.

Q. Have you ever registered at the city hall?—A. Yes, sir.

97 Q. How long ago?—A. Well, I couldn't tell you that; about eight years ago.

Q. Did you get a transfer last fall, before the election, to 1410 North Thirteenth?—A. Yes, sir.

Q. At the city hall?—A. Yes, sir.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. What polls?—A. On O'Fallon street.

Q. What number, or whereabouts on O'Fallon?—A. Between Eleventh and Twelfth.

Q. Which side of O'Fallon?—A. North side of the street.

Q. When you went to the polls did you find your name on the poll-list?—A. Yes, sir.

Q. Your name was there, was it?—A. It was there; a wrong letter was in my name.

Q. Did you vote?—A. They wouldn't take my vote; I insisted upon my vote.

98 Q. Did you hand it in at that poll?—A. Yes, sir.

Q. Do you know what they did with it?—A. They kept it in their hand. I was a teamster, and I didn't have much time to wait. They put it in an envelope. I had charge of the team; so I went off.

Q. You don't know what they did with it?—A. No, sir.

Q. How was your name spelled on the poll list?—A. I don't know exactly, but there was an "n," a letter that was not necessary; so, they found my father's name there, and his name was all right.

Q. What ticket did you put in, Mr. Hensiek?—A. Republican ticket.

99 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When you registered before, where did you live?—A. 1334 North Thirteenth.

Q. That is in the same neighborhood?—A. Yes, sir; in the same block.

Q. How often have you moved?—A. Once.

Q. Are you married or single?—A. Married.

Q. Do you live in the front or rear; upstairs or down-stairs?—A. In the front.

Q. Upstairs?—A. Yes, sir; a pair of steps, a basement, and a pair of steps going up; I suppose it is the first floor.

Q. Does your father live on the first floor or the second floor?—A. No, sir; he lives in another house; he lives at 1334 North Thirteenth.

Q. Well, you passed in your ballot there, and the judges were 100 discussing in regard to it, and you wouldn't wait?—A. I waited there fully twenty minutes.

Q. But they didn't get through their consultation in regard to your ballot?—A. They got through with it. They had no more to say to me about it.

Q. They were talking about it among themselves?—A. Yes, sir.

Q. And you didn't wait to see what they did with it?—A. Yes, sir.

Q. And then you went away from the poll?—A. Yes, sir.

Q. And you don't know what was done with it?—A. No, sir.

Signature waived.

101 CHRIST. ORTMAN, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Christ. Ortmann.

Q. Where do you live?—A. On Fourteenth street.

Q. Whereabouts on Fourteenth?—A. Fourteenth and Howard.

Q. On the corner?—A. Not quite on the corner; pretty near on the corner.

Q. What is the number?—A. 1618.

Q. 1618 what?—A. On Fourteenth.

Q. How long have you been living there?—A. I have been 102 living there for about four years.

Q. How long have you lived in the city?—A. I have lived here about twenty-nine years.

Q. How old are you?—A. Sixty.

Q. How long have you lived in this country?—A. I came right to this city from the first.

Q. Did you get your naturalization papers?—A. Yes, sir; a long time ago.

Q. Did you go to the city hall to register?—A. That time we moved there to 1618 on Fourteenth.

Q. Did you or did you not get a transfer?—A. I registered in the city hall at that time.

Q. Now, did you go to the polls on election day?—A. No; they wouldn't let me vote.

103 Q. Did you go to the polls on election day?—A. Yes, sir; yes, sir.

Q. What polls?—A. In the Fourteenth ward.

Q. Why wouldn't they let you vote?—A. Yes, sir—

Q. Why wouldn't they let you vote?—A. Because my name was scratched out. I offered my vote there.

Q. What ticket?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you read?—A. Yes, sir.

Q. Can you read English?—A. No; not very good.

Q. How do you know you voted a Republican ticket if you can't read English?—A. Oh, I know that good enough.

104 Q. How do you know?—A. I know; I can see it.

Q. You say you can't read English?—A. I can read some little; I know that much anyhow.

Q. What was at the top of your ticket?—A. I don't know, sir.

Q. Do you know who you voted for circuit court judge?—A. I voted the whole ticket.

Q. I want to find out what names were on that ticket. Was Horner's name on it for circuit judge?—A. Oh, there was a good many names on it.

Q. Whose name was on it for President?—A. I know that the President that is now coming in.

Q. What is his name?—A. That is no matter.

By Mr. POLLARD:

Q. Was it Garfield?

105 (Mr. Donovan, counsel for the contestee, objects to putting in the witness's mouth the answer which he is expected to give.)
WITNESS. Oh, I know that, too.

By Mr. DONOVAN:

Q. Now, who did you vote for for President?—A. For Garfield.

Q. You got that from this gentleman here, one of the counsel for the contestant?—A. Oh, I know that before.

Q. Why didn't you tell me that?—A. I didn't think that was any use. I didn't think anybody would ask me such a question.

Q. Now, who did you vote for for mayor of the city of Saint Louis?—A. Overstolz.

Q. His name was on your ticket?—A. Yes, sir.

Q. Who did you vote for for governor of the State?—A. I didn't vote for governor, I don't think, at all, at that time anyhow.

106 Q. Then you couldn't have voted a straight Republican ticket, if you didn't vote for governor, because there was a governor running.

WITNESS. I don't understand what you mean.

Q. The ticket that you offered to vote had the name of some gentleman running for governor on it?—A. Yes, sir.

Q. Who did you vote for for governor of the State of Missouri? You are an intelligent white man, claiming to know who you voted for, I would be pleased if you would answer me the question, whose name was on your ticket for governor of the State of Missouri?—A. I don't know; I couldn't tell you exactly.

Q. Well, you actually voted, and the fact is that you couldn't read your ticket, and you took somebody else's say so, for what 107 was on it?—A. Somebody told me.

Q. Did you know the man that told you?—A. Oh, yes; I know him.

Q. You thought you knew him?—A. Yes, sir.

Q. And you took his word for it?—A. Yes, sir.

Q. Now, since you don't know, in the first place, who was running for President, and you don't know who was running for governor, and you say you voted for Mayor Overstolz as on your ticket—now, are you positive that the name of Mayor Overstolz was on your ticket as running for any office this time?

WITNESS. Not this time?

Q. No, he was not running this time. Now, how can you be 108 certain that you obtained a transfer; may there not have been some mistake in your statement to the clerks at the city hall?—A. I make no mistake at the city hall.

Q. When did you go to the city hall?—A. Four years ago; and over four years ago.

Q. Do you recollect distinctly what you said when you went there four years ago?—A. I can't say now anything more what I did say then.

Signature waived.

109 W.M. KIRKSICK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question What is your name?—Answer. Wm. Kirksick.

Q. Where do you live?—A. 1302 Howard street.

Q. Were you a judge at polling precinct one hundred and forty-one, on last election day?—A. Yes, sir.

Q. Do you know Christ. Ortman, who has just last testified?—A. Yes, sir.

Q. How long have you known him?—A. I knowed him for over twenty years.

10 Q. Did he come to the polls on that day, on election day?—A. Yes, sir.

Q. Did he offer his vote?—A. Yes, sir.

Q. What was done with that vote?—A. Nothing done; it was given back to him because the list—his name was not on the list.

Q. And the vote was not counted by the judges?—A. No, sir; it was given back to him.

Q. Was his name on the list of those who had been stricken off that you had there?—A. Yes, sir.

Q. Do you know whether this was a Republican ballot which he voted?—A. No, sir; I can't say that; I didn't open the ticket.

11 Q. You know this man's politics, and know him to be a Republican?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You know the man?—A. No, sir; I just know him when I pass him; have no acquaintance; no friends at all.

Q. Have you ever been in his house?—A. No, sir.

Q. You live in his neighborhood?—A. Yes, sir.

Q. How far away?—A. I live on Thirteenth; he lives on Fourteenth.

Q. You live on the south side of the block?—A. Yes, sir.

Q. Have you ever met him often?—A. I see him when he goes to work and see him when he comes back; generally passes our house.

12 Q. But you have never visited him?—A. No, sir.

Q. You were a Republican judge at that poll?—A. Yes, sir, I am a Republican; that is, there was nothing said that I was a Republican judge. I was a judge, and nothing more was said about it whatever.

Q. You mean to say you were a judge of election, and you always have been in politics a positive Republican?—A. I am not in politics.

Q. You are a Republican?—A. Yes, sir; I am.

Q. And have been all your life?—A. I believe I was.

Q. What did this gentleman, Mr. Ortman, say to you when he came to the poll?—A. He says it was strange after he had registered that he couldn't vote.

13 Q. Did he tell you that he had registered or transferred?—A. He was registered and transferred both.

Q. But he didn't show you his transfer?—A. He did not.

Q. But you told him you couldn't transfer him at the polls?—A. No, sir; we couldn't take any; we couldn't take any.

Q. That is you could not make any transfer at the polls of anybody?—A. No, sir.

Signature waived.

14 HENRY KOBOLDT, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Henry Koboldt.

Q. Where do you live?—A. On Dodier street; 1636.

Q. How long have you lived there?—A. Seventeen years.

Q. How long have you lived in the city of Saint Louis?—A. Twenty-one years.

Q. How old are you ?—A. Seventy-one next month.

Q. How long have you lived in this country ?—A. Twenty-one years; never was anywhere else but in Saint Louis.

115 Q. Have you ever got your naturalization papers ?—A. Yes, sir.

Q. Have you ever registered at the city hall ?—A. Oh, yes, sir; a number of times.

Q. Have you ever voted since you lived at 1636 Dodier street ?—A. —Yes, sir; a couple of times.

Q. Did you go to the polls on last election day; the second day of last November ?—A. Yes, sir.

Q. Where were those polls ?—A. Seventeenth and Wright.

Q. Did you vote ?—A. Yes, sir.

Q. Was your name on the registration list there ?—A. No, sir; it was not; they couldn't find my name; my name was not there; old Koboldt was dead already; it is reported he was dead (witness referring to himself).

116 Q. What did they do with your ballot when they received it ?—A. I gave my ticket to the judges.

Q. Did they take your vote under protest ?—A. I don't know what they did with the ticket.

Q. What ticket did you vote; Republican or Democratic ?—A. Republican.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Koboldt, please state to us fully all that you said and did at that poll when you voted.—A. I was still at my house when somebody come there and told me that my name was no longer on the list; that I was stricken off. Of course I was dead; I was not on the list there.

He asked me to come there and see about it. Then I went there.
117 There were several gentlemen then at the polls certifying that I was still living there; they had voted previously. Then I gave him my ticket.

Q. You offered to vote, and your ticket was taken ?—A. Yes, sir.

Q. And that is all ?—A. Yes, sir; nothing more until yesterday, when I got a notice to come here.

Q. Was there any other man of your name living in that neighborhood ?—A. No, sir.

Q. Have you a wife living ?—A. Yes, sir.

Q. Do you live in the front or the rear of 1636 Dodier ?—A. Front.

Q. Upstairs or down-stairs ?—A. Downstairs.

Q. You have stated that you were registered many times: that 118 is from what place ?—A. At the same place where I now live.

Q. How many times were you registered ?—A. If I am not mistaken, some three times.

Q. And always from the same place ?—A. Yes, sir.

Q. What was the last time that you registered, how many years ago ?—A. Perhaps three years ago.

Q. And prior to that time, how long ?—A. As often as the notice come to register. I don't remember the times.

Q. Isn't it a fact, Mr. Koboldt, that no notice came to you from any official, asking you to attend to that business ?—A. I always attended to that myself.

Q. Well, you got no notice ?—A. No, sir.

119 Q. Well, now, Mr. Koboldt, if you had been registered, do

you not know that there is no necessity of registering, and is there not some mistake about this?—A. I don't know about that.

Q. If you had been once registered there is no necessity of registering; but if you had been once registered and moved then there would be a necessity to visit the city hall and obtain a transfer.—A. I don't know that; but I didn't think it would do any harm to go and register again.

Q. Can you tell me now whether you registered or transferred?—A. They didn't give me a transfer, because I hadn't moved; I have always lived there.

Q. And you state they permitted you some years ago to register?—A. Yes, sir.

Q. Can you read English?—A. No, sir; very little.

Q. Can you read a ticket?—A. What is on the ticket I could well read.

Q. Well, what was on it?—A. It was a ticket for the Republicans, for Sessinghaus and the next President.

Q. Well, what was the name on it for President?—A. The one now to be inaugurated.

Q. What is his name?—A. I have forgotten, sir.

Q. Did you pick this ticket up yourself, or did somebody give it to you?—A. I took it myself.

Q. Where did you get it?—A. At the polling place.

Q. You picked it off a plank in front of the polling place?—A. Yes, sir.

121 Q. Well, now, if you can't read English, how do you know it was a Republican ticket?—A. As much as that I can read.

Q. What were the lines at the head of your ticket?—A. That I have forgotten; I didn't keep that in mind.

Q. Did it read Chronicle ticket?—A. I don't remember that.

Q. Now, then, it is a fact, Mr. Koboldt, is it not, that somebody told you that it was a Republican ticket, and you took his word for it?—A. I asked if this ticket was the right one, and I was told it was.

Q. And you took his word for it?—A. Yes, sir.

Q. And that is the truth?—A. Yes, sir.

Signature waived.

122 F. W. GARTNER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. F. W. Gartner.

Q. Where do you live?—A. 1325 Montgomery street.

Q. Were you a judge of election at precinct one hundred and forty-six?—A. Yes, sir.

Q. On last election day, on last November?—A. Yes, sir.

Q. How many Chronicle tickets were there offered there that day?—A. Only one that I know of.

Q. What was done with that ticket?—A. It was not counted.

123 Q. It was not counted, you say?—A. No, sir; it was not counted.

Q. Was the name of Mr. Sessinghaus on that ticket for Congress, in the third Congressional district?—A. Yes, sir.

Q. How many votes were given to the United States supervisor there that day, if you remember?—A. As much as I know, four votes; they told me it was on the string.

Q. Was this Chronicle ticket among those four that were on that string?—A. No, sir.

Q. What was done with that ticket?—A. It was torn up and thrown on the floor, because we was of the opinion that it was an illegal ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

124 Q. That it was a ticket calculated to deceive voters?—A. I don't know about that.

Q. What did you tear it up for?—A. It was told us from a man outside, a man by the name of Israel, that it was a bogus ticket; he took them off from the table in front of the house; so when we come to counting the tickets afterwards we didn't know whether it was wrong or right; so we just tore it up.

Q. You don't know whether it was a scratched ticket or not?—A. It was no scratched ticket.

Q. You don't know who cast it?—A. No, sir, I don't know; it was a ticket folded up so I couldn't know.

Q. You don't know whether it was voted by a Republican or a Democrat?—A. I don't know anything about that.

125 Q. You made no transfers at your polls on the day of the election, that is where voters had previously registered and then removed. If they had not obtained a transfer at the city hall you had no power to transfer them at the polls?—A. No, sir; we had a book, or whatever it was, stating that we must not do that.

Q. You had written instructions from the officer at the city hall?—A. Yes, sir.

Q. Well, it was without the power of any judge, at any poll, to transfer voters who had been previously registered and failed to notify the officer at the city hall?—A. Yes, sir; I read that myself.

Q. And you lived up to that?—A. Yes, sir.

Q. And you were a Republican judge?—A. I was a judge at that time.

126 Q. Well, you are a Republican?—A. Well, even if I am—
Q. I just want to know whether you are or not?—A. Yes, sir; I am. I don't deny it; and I still will be.

By Mr. POLLARD:

Q. Is that man Israel, who made that statement there about this Chronicle ticket, the same man who has been indicted in the United States court here for getting minors to vote on election day?—A. The same man.

(Mr. Donovan, counsel for the contestee, objects to the question and answer, for the reason that this gentleman don't know who has been indicted or what for, and because the record itself is the best testimony in that regard. That it is the first that counsel for the contestee 127 has heard of Mr. Israel, or anybody else, being indicted for such an offense.)

By Mr. POLLARD:

Q. Now, Mr. Gartner, was there any other objection to this Chronicle ticket, or to the man who voted it, except the bare fact that it was a Chronicle ticket?—A. Nothing that I know of.

Q. Now, what did you do with men who came to your polls on that day, and satisfied you, from evidence produced there, that they were residents of that precinct, and had been for several months; that they had before that time been registered at the city hall in another precinct?—A. Well, their votes was taken; let me see how you call it—

- Q. And given to the supervisor?—A. It was taken under protest.
 Q. That man you did not transfer at your precinct, and did not
 count his vote?—A. No.

By Mr. DONOVAN:

- Q. Of course you did not under the law?—A. Well, I don't know the
 v. I did that particularly because it was in the book; it was stand-
 ; in the book that we had no power to do that.
 Q. Who did you get that book from?—A. It was in the poll-book at
 same time.
 Q. Given out by the authorities of the city?—A. Yes, sir.
 Q. And it was a rule that you would have to make operative upon
 everybody and everybody, whether Republican or Democrat, alike?—A.
 at was all the same.

Signature waived.

) CALVIN CLARK, produced, sworn, and examined on the part of
 the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

- Question. What is your name?—Answer. Calvin Clark.
 Q. Where do you live?—A. Ninth street, 1018 North Ninth.
 Q. How long have you lived there?—A. About a year.
 Q. How long have you lived in the city?—A. Been here about sev-
 een or eighteen years.
 Q. How old are you?—A. Twenty-nine.
 Q. You are a colored man?—A. Yes, sir.
 Q. Always lived in the United States?—A. Yes, sir.
 Q. Did you ever register at the city hall?—A. Yes, sir.
 Q. How long ago?—A. Four years.
 Q. Did you ever get a transfer at the city hall to 1018 North Ninth
 eet since you moved to 1018 North Ninth?—A. No, sir; I went there
 get one and they told me it was all right, so I went away.
 Q. Who told you it was all right?—A. The clerks in there.
 Q. Some one inside of the bar at the city hall?—A. Yes, sir.
 Q. Did you tell him that you just wanted a transfer?—A. Yes, sir.
 Q. Did you tell him where you then lived?—A. Yes, sir.
 Q. At number 1018 North Ninth street?—A. Yes, sir.
 (Mr. Donovan, counsel for the contestee, objects to this man-
 of examining the witness. He is an intelligent man, and is requested
 t the witness be asked to state the facts as they occurred; the
 inel for the contestant is just simply making the testimony for the
 ness as he goes along.

By Mr. POLLARD:

- Q. You live in the rear of 1018 North Ninth?—A. Yes, sir.
 Q. Did you tell the clerk that at the city hall?—A. No, sir; I didn't
 him that.
 Q. Did you tell where you did live when you registered?—A. Yes,
 Q. What did he say when you told him that?—A. He told
 me it was all right.
 Q. And you went away?—A. Yes, sir.
 Q. Did you go to the polls on election day?—A. I did.
 Q. Where?—A. Johnson's barber shop.
 Q. Where is that?—A. On Seventh street.

Q. Whereabouts on Seventh street?—A. Betwixt Wash and Carr.

Q. Which side of Seventh?—A. On the south side.

Q. Is it the side next to the river, or from the river?—A. The west side.

Q. Did you vote there that day?—A. No, sir.

Q. Why not?—A. They told me I couldn't vote; I was too late.

Q. What time in the day was it?—A. About three o'clock.

Q. In the afternoon?—A. Yes, sir.

133 Q. Did they find your name on the poll-book there?—A. Yes, sir.

Q. But they told you you were too late?—A. Yes, sir.

Q. So you didn't vote?—A. No, sir.

Q. What ticket did you have there to vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Were there other people voting there at the same time that you came there?—A. Yes, sir.

Q. And you remained there?—A. No, sir; I went on away after they told me I couldn't vote.

Q. But you saw other people voting?—A. I saw other people voting; yes, sir.

134 Q. Now, are you not mistaken about that? They didn't say that you were too late; what was it?—A. They said I couldn't vote, or something or other.

Q. They didn't say you were too late?—A. They told me I couldn't vote.

Q. They said you had failed to obtain your transfer, isn't that what they told you? And that they had no power under the law to transfer you if you had neglected to obtain a transfer at the city hall from the place where you had formerly lived?—A. They told me at the city hall it was all right.

Q. Isn't this what the judges told you at the polls what I have just now stated?—A. I disremember whether they told me that. When they told me that I went on away.

135 Q. They told you that you hadn't got your transfer?—A. Yes, sir.

Q. Now, where did you live when you previously registered?—A. I lived on Sixth, in the rear, betwixt Wash and Carr.

Q. How far was that away from 1018 North Ninth?—A. Three blocks.

Q. It is not in the same polling precinct?—A. I don't know whether it is or not.

Q. You don't know the lines of the voting precincts?—A. No, sir; not exactly.

Q. Are you sure that you went to the right poll?—A. Yes, sir.

Q. How did you know it?—A. Everybody told me.

Q. Did you go to any other poll?—A. No, sir.

Q. Now, when did you go to the city hall to obtain a transfer?—A. About three weeks before the election.

Q. Who did you go there with?—A. I went down there by myself, me and another fellow.

Q. Was there a crowd there?—A. No, sir; there was not very many; about ten.

Q. About how many people did you talk to at the city hall?—A. One man sitting at the desk. There was other men in there, but one man I talked to.

Q. Did he go to the map?—A. No, sir.

Q. Did he look at his book?—A. Yes, sir.

Q. Now, can you tell us what you said to that clerk?

WITNESS. At the city hall?

COUNSEL. Yes.

A. I told him I come down there to transfer my number.

Q. Didn't you tell him that you had come down there to register?—
Yes, sir.

Q. And he looked at the book and said, "Why, you are reg-
istered?"—A. Yes, sir.

Q. And that is all that transpired there?—A. Yes, sir.

Q. You didn't put in a ballot at all, then, at this poll?—A. No, sir.

Q. You just offered to vote, and they said something to you, and you
went away?—A. Yes, sir.

Q. And that is all?—A. Yes, sir.

Q. Now, did you have a ticket in your hand at the time?—A. Yes,

Q. Do you know what sort of a ticket it was?—A. Republican ticket.

Q. Can you read?—A. No, sir.

Q. How do you know it was a Republican ticket?—A. A man gave
it to me.

Q. And told you it was such, and you took his word for it?—
A. Yes, sir.

Signature waived.

9 JOHN PHILLIP RIECHERS, produced, sworn, and examined on
the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. John Phillip Riechers.

Q. Where do you live?—A. I live on Lindell avenue, 2928.

Q. Were you at precinct two hundred and thirteen on last election
day?—A. Yes, sir.

Q. Do you remember about the vote of F. W. Brockman?—A. Yes,
sir.

Q. Was the vote received by the judges of election and counted?—
A. Yes, sir.

Q. Was he living at the place where he was described as living
on the poll-books?—A. No, sir.

Q. How far from that was he living?—A. A block and a half.

Q. But was living in the precinct?—A. Yes, sir.

Q. Do you remember about the vote of Herman Rohne?—A. Yes, sir.

Q. Was his vote received and counted by the judges?—A. No, sir.

Q. Why not?—A. Well, they said he lived on a different street;
they changed the name of the street?

Q. Mr. Rohne was living where?—A. He lives there for thirteen or
eleven years in the same place in the same building.

Q. He had lived in the same precinct where his name on the
poll book indicated that he was living?—A. Yes, sir.

Q. But how far did he live from the place where the poll book
indicated that he lived?—A. I don't know what is the name of the
street as it was indicated on the poll-book.

Q. His vote you say was not counted?—A. It got into the super-
visor's box.

Q. Do you know what ticket F. W. Brockman voted?—A. The Dem-
ocratic ticket.

Q. What ticket did Herman Rohne vote?—A. If I was sworn to it I don't know; it might be he voted a Republican ticket or Democratic ticket; I don't know.

Q. How long have you known him?—A. I have known him for thirteen years.

142 Q. Do you know what his politics are?—A. No, sir.

Q. Don't you know whether he is a Republican or a Democrat?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When Mr. Brockman's ticket was put in did you open it?—A. I opened it when we counted the names over, and I know what number he had, and I know what ticket he voted; that is the manner in which I know the ticket he voted, for when we put the numbers upon them we wouldn't accept his ticket first; but I know him so long, for thirteen years, that he lives in the same place, so I watched for it that they took his ticket.

143 Q. You are a Republican?—A. Yes, I am a Republican and he is a Democrat.

Q. Did he vote a scratched ticket?—A. He voted a full Democratic ticket; what was at the head of it, I am not certain of that; it is too long ago; if I knew that I was to come here I would have put it in a book; that is all I can swear to. I don't know whether he voted a scratched ticket or not.

Q. You insisted that his vote was correct?—A. Yes, sir.

Q. And the Democratic judges thought it was not correct?—A. Well, they asked me if I know the man so long, and all the judges what was there know I know him so long; that he was the man that lives 144 at that same place, and there was at least six or eight of them that know Christ. Vonder Ahe was one of them, and Mr. Shively and the balance of the judges knew him; the other gentleman's name was Anderson or Johnson; I don't what his first name was; a big, stout fellow, I don't know his name.

Q. Did the other Republican judge agree with you that his ballot should be counted?—A. Yes, sir.

Q. The Democratic judges were in doubt?—A. They asked me if I was satisfied, and the other gentlemen was satisfied, so we allowed it to go in.

Q. Did you have instructions in regard to people who had changed their residence after registering at the city hall?—A. Yes, sir.

Q. You had instructions from the city officials in print?—
145 A. That is in little books.

Q. These instructions came with the poll books themselves?—
A. Yes, sir.

Q. And that instruction was that when a person that had registered moved and had neglected to transfer it was not within the power of any officer at the polls to transfer them?—A. No, sir.

Q. They had no such power?—A. No, sir; we had some few there, but we sent them back to the city hall.

Q. And that was the universal rule all over the city?—A. Yes, sir.

Q. And operated on all parties alike, Democrats as well as Republicans?—A. Yes, sir.

By Mr. POLLARD:

Q. Did you transfer any man who came there to your poll whom you and the other judges knew had lived in that precinct a long time, 146 and who had registered before in some other precinct but had

not taken a transfer to your precinct; did you transfer him?—A. No, sir; we didn't.

Signature waived.

147 HERMAN ROHNE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Herman Rohne.

Q. Where do you live?—A. I live on Grand avenue and University street.

Q. On the corner?—A. On the corner.

Q. How long have you lived there?—A. I have lived there since 1868.

Q. That is thirteen years?—A. Yes, sir.

Q. How long have you lived in the city, Mr. Rohne?—Answer. Thirty years.

148 Q. How old are you?—A. I am forty-seven.

Q. Have you ever registered at the city hall since you lived out on Grand avenue and University street?—A. Never.

Q. Did you ever register at the city hall?—A. No, sir; never did.

Q. Did you ever register at the polls?—A. Yes, sir; I did outside.

Q. Where were you living then?—A. At the same place.

Q. Have you ever voted more than once since you have lived out at the same place?—A. I have.

Q. Now did you go to the polls on election day—last election day?—A. I did.

Q. What poll?—A. It is on Saint Louis avenue and Elliott avenue.

Q. That is the poll at which Mr. Riechers was a judge?—A. Yes, sir.

149 Q. Poll two hundred and thirteen?—A. Yes, sir.

Q. Was your name on the poll-book there that day?—A. Yes, sir.

Q. Were you permitted to vote?—A. No, sir.

Q. Why not?—A. They told me that they knewed me for years and years as living there, but that they changed the name of the street and that was the objection; they let me vote and that was all; they wouldn't take my vote in and count it like a regular vote; but it was taken in under protest. I went in the afternoon again, and this time some of the gentlemen told me, "Mr. Rohne your vote is all right." So I went away again.

Q. What ticket did you vote?—A. Republican ticket.

150 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What was the street opposite Herman Rohne's name on the poll book?—A. McLeon street—at the head of McLeon street—but the city changed it into University street.

Q. For how many years has that street been known as University street?—A. It is not exactly a street at all; it only runs two blocks from Grand avenue to Lindell Park; I don't know what they called it on the other side of the park.

Q. How long has that street been known as University street?—A.

For a couple of years, I suppose; I am not positive.

151 Q. Isn't it known as University street still?—A. It is, sir.

Q. Didn't you register from it as University street?—A. No, sir; I don't think I did.

Q. Do you know the name of the street where you did register from?
—A. I think it was McLeon street.

Q. McLeon or Magnolia?—A. Magnolia street; something like that.

Q. Are there many people living out there?—A. O, not so very many, sir.

Q. The houses are scattered?—A. Yes, sir.

Q. Well, you presented your ballot to this gentlemen who has just left the stand?—A. He was in the office with three or four more.

Q. And he told you that you couldn't vote because you were not living on the same street from which you registered?—A. I 152 could not tell you; they didn't tell me that; there was two or three sitting at the table; I don't remember which gentleman it was that spoke to me.

Q. You were talking with them about it for some time?

WITNESS. With Mr. Riechers?

Q. You talked the matter over for some time?—A. I didn't talk to anybody very long.

Q. You say the judges talked with you about your ballot?—A. Yes; they did.

Q. Now, what did they say to you?—A. I don't remember; they only said they had nothing against me, except that it was not the proper name of the street; that was all.

Q. Other people from University street voted there, did they not?—

A. I don't know.

153 Q. Didn't your neighbors vote from University street?—A. I don't know. My neighbor is not here; he is a river man, and is not here.

Q. Didn't his name appear from University street?—A. I don't know anything about that.

Q. Didn't the names of some people up and down that street appear there?—A. Except myself and my neighbor there is nobody living there on that street. I have one corner and he has got the other.

Q. How does your neighbor's name appear on the books; from what street?—A. I don't know anything about that.

Q. How long have you lived on Grand avenue and University?—A. About thirteen years; from 1868.

Q. You had registered before?—A. Yes, sir.

154 Q. And voted before?—A. Yes, sir.

Q. When you registered before what name did you give for your street?—A. Well, I could not tell you exactly whether I gave the name of the street I live now, or if it was Saint Louis avenue; when I come out there first we always used to call it two blocks north of Saint Louis avenue, but whether I have registered on the book that way I am not positive; I think I did.

Q. You are not certain about that?—A. No, sir; but I think I did, sir.

Q. Well, you voted, and the judges told you that they counted your ballot?—A. They told me in the evening that it was all right; that my vote was taken.

155 Q. And counted?—A. I don't know about that, whether they counted it or not.

Q. But they told you it was all right?—A. That is what they told me in the evening.

By Mr. POLLARD:

Q. Isn't it a fact, however, that that street is sometimes known as

Magnolia and sometimes University?—A. Yes, sir; it is on the lamp-post in some places as University and some places as Magnolia.

156 CHARLES BECK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Charles Beck.

Q. Where do you live?—A. 1334 North Tenth.

Q. How long have you lived there, Mr. Beck?—A. Thirteen years.

Q. How old are you?—A. I am twenty-two the twenty-second of this month.

Q. Have you ever registered at the city hall?—A. No, sir; never did.

157 Q. Did you go to the polls on last election day?—A. Yes, sir; I did.

Q. Where?—A. On O'Fallon, between Ninth and Tenth.

Q. Which side of O'Fallon?—A. On the north side.

Q. Did you offer to register there at the polls on that day?—A. Yes, sir.

Q. Did they register you?—A. No, sir; they put my ticket on a string.

Q. Why didn't they register you?—A. They says they didn't have any registering officer there.

Q. What time of the day were you there?—A. About twenty minutes after seven.

Q. In the morning or evening?—A. In the morning.

158 Q. Did you go there again?—A. No, sir; I went there again about six o'clock; I thought everything would be all right.

Q. That is, six o'clock in the afternoon?—A. Yes, sir.

Q. What occurred then?—A. I didn't ask anything about it.

Q. What ticket did you vote?—A. Republican ticket.

Q. You say when you went there in the morning, a little after seven o'clock, and offered to register, there was no registering officer there; is that what you said?—A. Yes, sir; I went there first at seven o'clock, and they wouldn't take me, and wanted me to bring up somebody that they would know, and I brought Mr. Zollman there; they said there was no registering officer; I said this is a nice time for them not to have any; it is after seven o'clock; then I heard from different parties that there was none there until after twelve o'clock.

159 Q. What did they do with this ticket when you voted it?—A. Well, I put my name on the back and my house address, and my residence, and they tied a string to it; I seen them put it back in the box.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You never have been registered?—A. No, sir.

Q. At any time?—A. No, sir.

Q. You knew that you must register before you could be entitled to vote?—A. Yes, sir.

Q. Well, now the registering officer was at the polls when you 160 returned in the evening, why didn't you then register?—A. Well, they told me that they would take my vote all right; they put it on the string, and that they would put it in the ballot-box after they got a registrar there.

Q. But you know the registering officer couldn't do you any good unless you qualified before him, unless you had sworn to your being of age?—A. They didn't swear me in, or nothing like that.

Q. But you knew that you must qualify before you could register, and before your vote could be counted?—A. I have only heard from parties that I could register at the poll. I went to the registering office at the city hall several times, but it was crowded; I didn't want to stay there until nine or ten o'clock at night; I was there several times, but I couldn't get up there no time of the day to be registered.

Q. You knew what you had to do at the city hall before you could register; you knew that you had to make oath to your qualification as a voter, did you or did you not?—A. They told me there is no difference where I vote at, whether at the polls or—I mean register—whether I registered at the polls or registered at the city hall; but I didn't know the difference.

Q. Well, you knew you had to swear before you could register?—A. I knew that, of course.

Q. That fact you did know?—A. Yes, sir.

Q. Now, you hadn't sworn before a registrar there, and yet 162 when you returned to the poll in the evening the registrar was there, and still you didn't qualify before him?—A. No, sir.

Q. Are you sure you are of age?—A. Yes, sir; I am.

Q. How do you know it?—A. I can count back to fifty-nine.

Q. What time in fifty-nine?—A. Eighteen hundred and fifty-nine.

Q. What time in eighteen hundred and fifty-nine?—A. February.

Q. Is your father living?—A. Yes, sir.

Q. Do you live with him?—A. Yes, sir.

Q. He then told you you were born in 1859?—A. Yes, sir.

Q. Have you got a Bible in your house?—A. No, sir.

Q. Have you got any kind of a record of the date of your birth? 163 —A. I don't know if we have or not.

Q. Well, you are very young looking; you don't seem to be over sixteen years of age?—A. Well, I believe I am. I think I am of age. BENICE

Q. Well, you think you are of age, but you would not swear so to the best of your knowledge and belief; you thought it was very doubtful as to whether you were of age on the last election day, and you thought you would take it for granted?—A. No, sir; I can swear to it, that I was of age.

Q. But you say that you have no record?—A. I don't know whether they have got any papers in the house about it or not; you can come down to the house and you can see the old man, and you can ask him.

Q. Well, you just thought you would be enterprising and 164 give a vote at that poll?—A. I didn't have any intention to vote last election, until everybody was bothering me to vote.

Q. You didn't intend to go to the polls, because you were uncertain about this matter of age?—A. No, sir; I was not uncertain about that.

Q. Who was bothering you to go?—A. Parties that were down on Ninth and O'Fallon; they told me to put in my vote. It was my first Presidential vote.

Q. But you had no intention of doing it?—A. No, sir; I knew it would be anyhow "n. g." [no good.]

Signature waived.

165 PHILLIP SMITH, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Phillip Smith.

Q. Where do you live?—A. I live in Elleardsville, between Wash avenue and Goode avenue.

Q. How long have you lived there?—A. I bought it in '74.

Q. Do you own the place you live in?—A. Yes, sir.

Q. You have lived there ever since?—A. I have lived there ever since.

166 Q. How long have you lived in Saint Louis?—A. Well, I came here from Chicago, in 1865.

Q. How old are you?—A. I was born in 1826; I was born on the Maramee River, in the State of Missouri.

Q. You have always lived in the United States?—A. Yes, sir.

Q. You are a colored man?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. Yes, sir; I registered there twice.

Q. Where did you register from the last time?—A. From my house four years ago.

Q. Were you then living at the same place where you now live?—A. Yes, sir; I was living at the same place where I now live.

Q. Did you vote four years ago, for Mr. Hayes?—A. Yes, sir.

Q. Did you go the polls on last election day, last November?—A. No, sir; I couldn't get to the polls here.

Q. Did you go to any polls last election day, I mean?—A. Yes, sir.

Q. Where were those polls?—A. I went down to the city hall to get registered, and I couldn't get through; there was such a big crowd there, and a lot of men there told me I could vote at the polls—I could register at the polls; so I went to the polls to register.

Q. How far from you?—A. Three short blocks.

Q. Was that the proper polling precinct for you to go to the poll?—A. Yes, sir; I live out there.

Q. Is that where you voted for Hayes?—A. No, sir; I voted for Hayes here in Saint Louis. I forgot now the number of the street where it was.

168 Q. Well, did they find your name on the poll-books last November?—A. No, sir; they didn't find it.

Q. And you didn't vote?—A. No, sir; I didn't vote; they told me I had to come here to the city hall and get a transfer ticket. They looked over all the books, but they couldn't find my name. Then I went back again, and this gentleman told me he knewed me, and he says I would get a vote there all right; he knows me three or four years; he says I could get a vote there all right; I was talking something about it this morning.

Q. Did you vote then?—A. I did vote then; yes, sir.

Q. What did they do with that vote?—A. They gave my vote 169 in to the judge, and I asked if I was all right, and he put it in the box.

Q. What ticket did you vote there?—A. Republican ticket; the correct ticket.

Q. Did you put your name on the back of the ticket?—A. I didn't.

Q. Was it put on there in your sight while you were there? What I mean is, did they put your name on the back of your ticket while you were there?—A. Yes, sir; I did see some man put my name on the ticket, but I don't know who he was; I don't think he did anything there; he was on the outside of the polls.

Cross-examination by Mr. DONOVAN, counsel for contestee:

170 Q. Did they put it in the box?—A. I didn't see it go into the box.

Q. You don't know what was done with it?—A. I didn't wait to see.

Q. Now, ain't you mistaken about living six years at Elleardsville?—A. I don't know, sir.

Q. If you voted for Hayes in the city of Saint Louis you cannot have lived at Elleardsville six years?—A. I bought there in 1874, and I have been there ever since.

Q. How do you account for your vote in the city of Saint Louis for Hayes, he having run something like four years ago?—A. I was living at Elleardsville.

Q. Were you living at Elleardsville when you voted, or in the city of Saint Louis, when you voted for Hayes?—A. I don't know that, but I voted for Hayes anyhow.

171 Q. Where was the poll at?—A. I forget now where the poll was at.

Q. That was down here in the central portion of the city?—A. No, sir.

Q. In what portion of the city was it?—A. I couldn't tell you exactly what portion it was in; I think the polls was at—down here on Ninth and Christy avenue; I think that is where I voted for Hayes.

Q. Ninth and Christy avenue, that is where you voted for Hayes?—A. Yes, sir.

Q. How far is Ninth and Christy avenue from Elleardsville?—A. It is three miles from the court-house to where I live.

Q. So you came in from Elleardsville to Ninth and Christy avenue, three miles and a half away from your polling district to vote?—A. I lived there, and I voted in town here.

172 Q. Did you always vote at Elleardsville?—A. No, sir; I didn't, because I hadn't been out there long enough to vote there.

Q. How often did you vote at one election place during that day?—A. I didn't vote but once.

Q. Now, you must have lived somewhere in the neighborhood of Ninth and Christy avenue, else they wouldn't have received your vote when you cast it for Hayes.—A. When I bought that place I was living on Gay street—Fifteenth and Gay.

Q. You registered from that place?—A. I registered from that place, of course.

Q. If you registered from Fifteenth and Gay, then you must have lived in the city, on Fifteenth and Gay, when you voted on Ninth and Christy avenue?—A. Yes, sir; I voted for Hayes.

173 Q. Now, after you moved from Fifteenth and Gay, did you go to the city hall to notify them of your removal?—A. Yes, sir. I did; I did.

Q. When did you go there?—A. I went down there the time that Garfield was running. I went around to notify them where I was living at.

Q. Was there a crowd there?—A. There was a crowd there and I couldn't get in, and I spoke to a young man there, and he said he could take it in.

Q. You didn't go to the clerks yourself to notify them?—A. No, sir.

Q. So when you went to the polls on election day the judges told you that you had not got a transfer from Fifteenth and Gay, some three miles away, and that it was not in the power of those judges

174 to transfer you at the poll ; that is what they told you ?—A. No ; he didn't tell me that.

Q. When you went to the city hall you told this young man that you had lived in another place ?—A. Yes, sir ; you see I lost my first wife, and then I moved up on Nineteenth street, and I staid there a long time.

Q. That is just exactly what we are trying to find out. Every other removal that you have made since you left—A. That is all I know about it.

Q. So now there is another removal when your second wife died. Now, did you notify the authorities of your removal ?—A. I had moved out home again. I had moved in town again. I bad staid in town ; but there was such a crowd at the city hall that I didn't get in, 175 and I gave my name to somebody else, and I know he took it in just as I went out.

By Mr. POLLARD :

Q. How long have you now lived in Elleardsville in the place where you do live ?—A. I have lived there about five years. I bought in 1874.

Q. You bought this place in 1874 ?—A. Yes, sir.

Q. How long did you live there then before you moved back into town ?—A. I will tell you. I rented out there one year, and then I didn't go out. I staid in town. Then I rented it again for one year. Then I went out in 1875.

Q. And you have lived there ever since ?—A. And I have lived there ever since.

176 Q. And you were living there when you voted for Mr. Hayes as President; down here on Christy avenue and Ninth ?—A. Yes, sir.

Q. And you voted from the corner of Christy avenue and Ninth because your name was there, and that is where you thought you had a right to vote ?—A. Yes, sir.

Q. And before that vote even, you had lived in Elleardsville, ever since 1875 ?—A. Yes, sir ; ever since 1875.

By Mr. DONOVAN :

Q. You mean to say that you owned that place for six years, but didn't live there continuously ?—A. Yes, sir.

Signature waived.

177 BENJAMIN HUMES, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. What is your name ?—Answer. Benjamin Humes.

Q. Where do you live ?—A. 2812 Sheridan avenue.

Q. How long have you lived there ?—A. Four years this fall past.

Q. How old are you ?—A. I am twenty-seven years old.

Q. You are a colored man ?—A. Yes, sir.

Q. You were born in the United States ?—A. Yes, sir.

178 Q. You have always lived here ?—A. Yes, sir.

Q. Have you ever registered at the city hall, in the city of Saint Louis ?—A. Yes, sir ; I registered this last time.

Q. Had you ever registered before ?—A. Yes, sir.

Q. Where were you living when you registered before ?—A. I lived on Easton avenue.

Q. Now, what did you do when you went to the city hall; that is, before this last election; what did you tell the clerk?—A. I told him I wanted to register.

Q. What did he say?—A. He said it was all right.

Q. Just said it was all right?—A. Yes, sir.

Q. Did you hold up your hand and swear, and subscribe a book?—

A. Yes, sir.

179 Q. And you were then living at 2812 Sheridan avenue?—A.

Yes, sir; that was the last vote.

Q. That was this last election?—A. No, sir; that was when I lived on Easton avenue, when I registered before.

Q. Now, after moving to 2812 Sheridan avenue, did you get a transfer?—A. Oh, yes.

(Mr. Donovan, counsel for the contestee, objects to that statement of counsel and witness, because the witness has not stated that he obtained a transfer.)

A. I got that transfer. I went down and give in my name and told them I had moved.

By Mr. POLLARD:

Q. Did he make any memorandum in any book, when you were there?—A. Yes, sir; he took my name again; then he says to me, "It is all right."

180 Q. Now, did you go to the polls on last November election?—

A. Yes, sir.

Q. Where were those polls?—A. They was on Clay avenue, between Sheridan avenue and Cass avenue.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. They said I had given the wrong name.

Q. Was your name Benjamin Humes, on the poll book there?—A. Yes, sir; I seen it myself.

Q. And was it 2812 Sheridan avenue?—A. Yes, sir.

Q. That was all correct?—A. Yes, sir.

Q. And they refused to let you vote?—A. Yes, sir.

Q. What ticket did you offer to vote there?—A. Republican ticket.

181 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Had your name been voted on?—A. Yes, sir.

Q. It was marked "voted"?—A. Yes, sir.

Q. How many Humes are there living out in that section of the country?—A. None but me that I know of.

Q. How often were you at the polls on that day?—A. Once.

Q. What hour was it?—A. It was twenty minutes to two.

Q. The judges showed you the name of Benjamin Humes, and that that name had already been voted on?—A. Yes, sir.

Q. Is that what they said to you?—A. No, sir; they didn't tell me that.

Q. You say you saw it yourself?—A. I saw it on the book.

182 By Mr. POLLARD:

Q. You saw your name there on the book, where, inside or out?—A. Inside.

By Mr. DONOVAN:

Q. Did you go inside?—A. No; but I could see inside.

Q. Did the judges pick up the book and show it to you?—A. Yes.

sir: one judge says that aint my name; that I was trying to vote on a false name. I told him, "No, sir, I am not; my name always was Benjamin Humes." But he says, "Here is your name now;" he had it on a strip of paper; he says, "your name is Ben Johnson; I says, "No, sir, that aint my name, my name never was Johnson." Ben Johnson lived at 2812 Sheridan avenue. I told him there was no Johnson living there. He says, "You can't vote." I says, "All right."

183 Q. Well, Ben. Johnson and Ben. Humes are not the same name?—A. No, sir.

Q. It was on the book?—A. Yes, sir.

Q. And the word "voted" was opposite?—A. Yes, sir.

Q. Now, don't you know who the party was who voted on it?—No, sir.

Q. And you don't know what ticket he voted?—A. No, sir.

Q. Do you live front or rear on Sheridan avenue?—A. Rear.

Q. Who lives in the front?—A. Mr. Halpin lived there in the house, but he moved away. Mr. Kaiser lives there now.

Q. Are you sure that you went to the right precinct?—A. Yes, sir; that is my precinct.

Q. What is your business?—A. House cleaning, carpet cleaning and such work.

Q. Have you got a family?—A. Yes, sir.

Q. Do you live upstairs or down-stairs in the rear of that number, Sheridan avenue?—A. I live down-stairs.

Q. Are there many other colored men living in that vicinity?—A. There is only but one; that is Mr. Logan, and he is dead.

Signature waived.

185 JOHN PRICE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. John Price.

Q. Where do you live?—A. Live on Eleventh street, betwixt O'Fallon and Cass avenue.

Q. What is the number?—A. 1316½ Eleventh street.

Q. In the rear?—A. Yes, sir.

Q. How long have you lived there?—A. I was there in December.

Q. Where did you live on election day?—A. On Tenth street, between O'Fallon and Cass avenue.

Q. What number?—A. 1219.

Q. In the rear?—A. Yes, sir.

Q. How long had you lived there before election?—A. Nearly two years in that building.

Q. How old are you?—A. Thirty and some odd years of age.

Q. You were born in the United States?—A. Yes, sir.

Q. You have always lived here?—A. Yes, sir.

Q. You are a colored man?—A. Yes, sir.

Q. Have you ever registered at the city hall?—A. Yes, sir; once or twice.

Q. How long since you registered the last time?—A. Well, it was last fall when I registered, just before the election.

Q. You were then living in the rear of 1219 North Tenth?—
187 A. Yes, sir.

Q. Did you go to the poll on election day to vote?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. Was your name on the poll-book?—A. I suppose so.

Q. What did you do when you went there?—A. I went there, and he asked me what was my name, and I told him; he asked me where I lived and I told him; and he said the number is correct and John was right, but Price was not there, and he told me I couldn't vote, so I went on to work.

Q. What ticket did you vote there?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

188 Q. That is all that you did; you came to the judges, offered your ballot, and then you went away?—A. Yes, sir.

Q. Now, you moved at various times?—A. Yes, sir.

Q. While you were living in the city here?—A. I didn't move; after registering I didn't move.

Q. Where did you live when you first registered?—A. On Fifteenth and Sixteenth and Franklin avenue.

Q. How far is that from your residence where you lived on election day?—A. You are speaking about the first time I voted in this city.

Q. How far are those places apart? (Pause.) Well, about, I don't want you to measure it.—A. I don't know.

189 Q. It is about a mile, isn't it?—A. Six or eight blocks.

Q. They are in different voting precincts?—A. Yes, sir.

Q. When you went to the city hall you told them you wanted to register.—Yes, sir.

Q. And you held up your hand and swore to certain facts?—A. Yes, sir.

Q. And then you left?—A. I did.

Q. Now do you know whether the clerk didn't simply go to the book to find you already registered there?—A. Well, it was the first time—it was a long time ago; that was when Grant was running the first time.

Q. You are how old, do you say?—A. I am thirty some odd.

Q. Now you went to the city hall on purpose to transfer—
190 for the purpose of obtaining a transfer?—A. Yes, sir.

Q. And had been registered up there?—A. I didn't go there to transfer; I went there to register.

Q. So the clerk there informed you that you were registered?—A. No, he didn't.

Q. Didn't he turn to the book, and look at the name, and say that is all right?—A. No, sir; he went and marked on that book.

Q. And said your name was all right there?—A. Because he put it down, and didn't cross it off; and then I commenced to leave, then he read it out and put it on a big book.

Q. Well, don't you know that if you had been once registered there was no necessity of your registering again?—A. What are you going to do if they don't find your name; I ain't like you, I don't know everything; I ain't a book-learned man; I thought I had to go and register again.

Q. How long did you stay there at the polls on election day?—A. I went down to my work at the Harrison Wire Factory.

Q. Did you work at the Harrison Wire Factory?—A. Yes, sir; and I work there yet.

Q. Don't you live up there in that vicinity, when you work there?—A. I don't board there; I come home every night, and go there in the morning.

Q. How far is that from your place of residence?—A. Good God! it is a long ways; it is across the Pacific Railroad; I am a married man with a household full of children.

192 Q. You never lived then where you worked, while you were working at the Harrison Wire Factory?—A. I didn't live in the wire works, of course not.

Q. Now, you can't read?—A. No, sir.

Q. How do you know that you had a Republican ticket in your hand?—A. Because I put it in my pocket; I put it in my paper that I was going to vote; I had somebody to read it.

Q. Who was running for governor?—A. I don't know who was running for governor.

Q. Do you know who was running for President?—A. Garfield; that was the man I was going to vote for if I had got my work in.

Q. Do you know whether your ticket was a Republican ticket, or what it was? Whether it was a Chronicle ticket or not?—A. Republican ticket.

193 Q. Do you know whether Mr. Garfield's name was on your ticket?—A. Yes, sir.

Q. You read it?—A. No, sir. I can't read.

Q. Who told you that you had a Republican ticket in your hand?—A. I kept that ticket in my pocket for two or three weeks; I got it right around the corner where they were voting at.

Q. At the poll?—A. Yes, sir.

Q. Don't you know that a straight Republican ticket is not printed at any election and distributed, until the very morning of the election?—A. Didn't I go there that morning, and didn't I try to get in my vote, and didn't I carry that ticket some two or three weeks afterwards.

194 Q. What did you do with it?—A. Well, I had it in my pocket; I lit cigars with it, I guess.

Q. Well, that is the same ticket that somebody told you was a Republican ticket?—A. We had some men that were going around with these tickets, and I asked what they were; and the man that gave me the ticket I knewed him to be a Republican man.

Q. You trusted him that he would give you nothing else but a Republican ticket?—A. Of course not; I know it was a Republican ticket.

Q. Although you can't read?—A. But there is others that can read.

Q. You took it on trust?—A. Yes, sir.

Q. Is your name Price?—A. Yes, sir; my name is Price.

195 Q. The judges told you that there was a man on the polling list whose name was John, but Price was not after it?—A. They said it was correct, the John was correct, but the Price was not there; and they told me that I couldn't vote; that my name wasn't there. I didn't pay no time to it, because I had a long ways to go.

Q. How often have you changed your name?—A. I have never changed my name; why should I change my name; it is a very nice name.

Q. You just offered to vote?—A. That is all.

Signature waived.

At this point a recess was taken until this afternoon at two o'clock.

At which time all parties in interest being duly assembled and 196 announcing themselves ready to proceed, the examination of witnesses was thereupon resumed and the following testimony elicited.

FRANK SHALLON, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD:

Q. Question. What is your name?—A. Answer. Frank Shallon.

Q. Where do you live?—A. Between Prairie and Baltimore avenues.

Q. On what street?—A. Saint Charles rock road.

Q. How long have you lived there?—A. I have lived there about two years and over.

Q. How long have you lived in the city?—A. I am living here now ten years next June.

197 Q. How long have you lived in this county?—A. That is all I am here in this country.

Q. How old are you?—A. I am born in 1836.

Q. You have your naturalization papers?—A. Yes, sir; I have got my papers right here.

Q. Have you ever registered at the city hall since you have been here?—A. Yes, sir.

Q. Where were you living then?—A. On Parsons street.

Q. How long ago was that?—A. About two years since I registered there; a little before I moved there where I live now.

Q. How far is that place on Parsons street where you registered from this place where you now live?—A. Well, it is about five blocks; five or six blocks; I don't know exactly.

198 Q. Did you get a transfer to your place where you now live; did you go to the city hall?—A. No, sir; I didn't get one.

Q. Are both those polls in the same voting precinct?—A. I don't think they are; I don't know; you must know that better than I do.

Q. Whereabouts on Parsons street did you live when you registered?—A. It is about three houses from the corner.

Q. Parsons and what street?—A. On Prairie avenue.

Q. That is about three blocks from where you live now?—A. About five blocks.

Q. North or south?—A. North.

Q. About five blocks north?—A. North from the Saint Charles rock road.

Q. That is west of Grand avenue?—A. Yes, sir; both places are.

199 Q. You went to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. The poll was right at Joe Post's bar-room.

Q. Where is that?—A. That is about—well, across the street from where I live, between Prairie avenue and Baltimore street.

Q. On what street?—A. Saint Charles rock road.

Q. Didn't you find your name there on the poll book when you went to the poll?—A. No, sir; they didn't have it.

Q. Did you vote?—A. Yes, sir; I did vote.

Q. What ticket did you vote?—A. Sessinghaus.

Q. What was done with your vote after that?—A. I think they put it away in the desk.

Q. Did you put your name on the back of the ticket?—A. Yes, sir; I did.

200 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. The judges at that poll told you that, since you had not transferred from your residence on Parsons street to your residence on

the Saint Charles Rock road, they had no right at the polls to transfer you?—A. They did say that; yes, sir.

Q. Why didn't you go to the city hall and have this transfer made?—A. Well, I thought it was near where I lived. I lived in the same place where I lived before. I thought I had a right to vote; nobody was telling me anything else. I told George Davenport to have me registered, and he promised to do so. That is where he lived. He said that he would see to my name.

201 Q. Why didn't you go to the city hall and attend to that yourself, inasmuch as you were the party?—A. I haven't got the time to run around and have myself registered.

Q. You just neglected it?—A. After a man promised to do that, as long as he promised to do it, I thought it was all right.

Q. You yourself neglected it?—A. So long as he said he would do it, I thought it was all right.

Q. In what voting precinct was your residence on Parsons street?—A. On Prairie avenue, east of the Saint Charles Rock road. I believe it is the Saint Charles plank road to that cave there.

Q. That was at a different place from the poll that you called at on election day?—A. Oh, yes.

202 Q. Well, did they put your vote in the box?—A. I didn't see that they done that.

Q. You didn't wait to see what they did?
(No answer.)

By Mr. POLLARD:

Q. Now, Mr. Shallon, have you ever voted at any other time, except this last November election, while you were living at the same place where you now live?—A. I voted, but not for President election.

Q. But you have voted?—A. I did vote.

By Mr. DONOVAN:

Q. Over at that cave—Kurtzinger's Cave?—A. Yes, sir.

Q. That is not where that poll is now?—A. No, sir.

Signature waived.

203 EDWARD JACKSON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Edward Jackson.

Q. Where do you live?—A. I lives on 1018 North Ninth.

Q. How long have you lived there?—A. Between five and six months.

Q. How long have you lived in the city?—A. Between ten and twelve years.

Q. You are a colored man?—A. Yes, sir.

Q. Born in this country?—A. Yes, sir.

204 Q. Always lived here?—A. Yes, sir; all my life.

Q. Did you ever register at the city hall?—A. No, sir.

Q. Did you ever register at the poll?—A. Never registered anywhere at all.

Q. Did you go to the polls on last election day?—A. I did.

Q. Where were those polls?—A. In that barber shop on Seventh street, between Wash and Carr.

Q. Which side of Seventh?—A. West.

Q. Did you offer to register at the polls on that day?—A. Yes, sir.

Q. Did you register?—A. No, sir.

Q. Why not?—A. Because they objected.

205 Q. On what ground?—A. I don't know for what ground. I asked them if I could vote, and they asked me if I had registered; I told them I had not; and I told them I could swear that I was a resident of the city: and they said, "No; that won't do."

Q. Did you tell them where you lived?—A. Yes, sir.

Q. Do you live front or rear of 1018?—A. Rear.

Q. So you didn't register?—A. No, sir.

Q. Nor vote?—A. Neither one.

Q. What ticket did you propose to vote there that day had you been permitted to vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

206 Q. You didn't either register or vote?—A. No, sir.

Q. Had you ever voted in this city?—A. Never in my life, nor anywhere else.

Q. How old are you?—A. I was born in 1851, August the twenty-fourth.

Q. And you said you lived twelve years in this city?—A. Between ten and twelve.

Q. And never voted anywhere?—A. No, sir; never.

Q. Didn't somebody coax you to vote?—A. I didn't let any man persuade me.

Q. Didn't vote for Grant?—A. No, sir.

Q. Didn't you vote for Hayes?—A. No, sir.

Q. Never voted for mayor?—A. Never voted for no one; I was absent.

Q. You are a river man?—A. Sometimes on the river, and sometimes not—on the levee.

207 Q. Are you a married man?—A. Yes, sir.

Q. How long prior to the election were you living there at 1018 North Ninth?—A. Between five and six months.

Q. How many people live there in that house?—A. Me and my wife and another man, and a colored woman joining us. There is several families in the yard; between four and five.

Q. What do you mean by a colored woman joining you?—A. I live in one door and she lives in the next door in my house there. We don't live in the same room. We had a child but we lost it in May—

Q. Can you read?—A. No, sir; I am no excellent reader.

Q. Did you have a ticket in your hand?—A. Yes, sir.

208 Q. Do you know what that ticket was?—A. Yes, sir.

Q. How do you know if you can't read?—A. I say I am no excellent reader, but anything that is printed very plain I can make it out by a great deal of study.

Q. What was at the head of your ticket?—A. Garfield.

Q. Was that the head-line?—A. That is the most I noticed to see.

Q. Didn't it read Chronicle Republican ticket?—A. I never read that; I just made out that name of Garfield, and I was satisfied with it.

Q. Did anybody tell you so?—A. No, sir.

Q. Did you pick it up yourself, or was it handed to you?—A. It was given to me.

209 Q. What did the man say to you who handed it to you?—A. He just handed it to me; never said no word; we never exchanged no word.

Q. Well, you passed it in at the window, and they said your name was not on the list and you couldn't vote, and you went away?—A. No, sir; I didn't pass it in.

Q. You didn't pass it in?—A. I went there to vote, to swear in a vote, and they asked me had I registered? I told them no. They asked me was I a resident of the city? I told them I had been there for ten or twelve years; I told them where I lived, at 1018 North Ninth, but they told me I couldn't vote; I says, "All right."

Q. You were talking to the judges?—A. Yes, sir; I suppose it was the judge; it was the man inside.

210 Q. That is all that you offered to do there, to cast that ballot? —A. Yes, sir.

Q. Nothing more?—A. Nothing more, and to vote; that is all I intended to do.

Q. And they said your name was not on the list, and you went away? —A. Yes, sir.

Signature waived.

211 JACOB STEEBER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Jacob Steeber.

Q. Where do you live?—A. I live 2834 North Twelfth, in the Sixteenth ward.

Q. You were judge at precinct one hundred and sixty-four on last election day?—A. Yes, sir.

Q. Were there any Chronicle tickets offered to the judges at that precinct on that day?—A. I don't know if they was offered; it was 212 later decided on. There was some come in, too.

Q. What I want to know is was there any offered as votes?—A. Yes, sir.

Q. How many?—A. I know of two.

Q. Were they received and counted by the judges?—A. They was thrown out.

Q. Both of them thrown out?—A. One of them was a Chronicle ticket, and the other was an Independent-Hancock ticket; they had, both of them, Frost's name on them.

Q. Frost's name printed on the Chronicle ticket?—A. Yes, sir; printed on it.

Q. Do you know whether there were voters who offered to vote there that day whose votes were refused and rejected?—A. There was votes refused; there was seven of them; I am not sure; it was either seven or nine; they was given by protest.

213 Q. What was done with those votes?—A. They should be put in a big envelope, and sent in a box to the city hall.

Q. They were sent to the city hall?—A. I couldn't tell if they was or not; I should rather doubt it.

Q. Did you examine those votes?—A. No, sir.

Q. You don't know who voted them?—A. Oh, I know some of the men that did vote.

Q. You don't know what those votes were; whether they were Republicans or Democrats?—A. The majority of them, I believe, was Republican.

Q. I understand you to say that Mr. Frost's name was on both tickets—this Chronicle and Independent ticket that were thrown out.—

A. Yes, sir.

214 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Don't you know, as a matter of fact, that Mr. Frost's name

was not on any of these spurious tickets?—A. I didn't examine them so I can't tell, but I am sure Frost was printed and marked off the ticket, and Sessinghaus was written on with a lead pencil.

Q. Was Frost's name on any Chronicle ticket that was presented at any poll in this city, on the day of the last election?—A. I think it was.

Q. You are not certain?—A. Not very certain; but I believe it was.

Q. You didn't allow any transfers at that poll, did you, Mr. Steeber?

WITNESS. What do you mean by transfers?

215 COUNSEL. Where a party had been previously registered, and had removed from the place that he was registered from, you did not permit him to transfer at the polls, did you?—A. I don't believe we done any transferring there at all, that day.

Q. You had instructions not to do so?—A. I believe so.

Q. And no matter whether a man was a Republican or Democrat he was not permitted to transfer at the polls; those were your printed instructions that you received with your poll books and your ballot-boxes?—A. I believe that was the way we had to do.

Q. That was the rule all through the city?—A. That was the rule all through the city.

Q. And applied to Democrats as well as Republicans?—A. Yes, sir.

216 Q. Now, you spoke about nine ballots having been cast there, did you open those ballots?—A. No, sir.

Q. Therefore you couldn't say what was on them?—A. But I know the men that voted them.

Q. But you don't know what was on their tickets?—A. No, sir.

By Mr. POLLARD:

Q. Do you know what the politics of the men were?—A. I know what they would vote for.

Q. What were their politics?—A. They were Republicans.

By Mr. DONOVAN:

Q. Can you give the name of any one?—A. I believe I can give you the name of one; he is on the paper; I seen it. If I seen the man I could tell you again. I don't know his name just now.

217 Q. Then you don't know the name of any one man?—A. I know one.

Q. What is his name?—A. Spring—something like Springman or Springmeyer.

Q. Is that all you know about them?—A. Yes, sir.

Q. You can't know them very well, when you don't know their names?—A. Oh, I know them by sight. I don't know their names exactly; I see them often. I don't know their names exactly.

Q. Then, you couldn't be very intimate with them?—A. No, sir; not intimate of course.

Q. Did you ever visit any of their houses?—A. No, sir.

Q. Did you ever speak with them on the street?—A. We often 218 done that in meetings, and on the street, and in saloons.

Q. You saw them attending Democratic and Republican meetings?—A. I don't know what meetings it was; I saw them attending some of the meetings up there. I don't know what meetings they were.

Signature waived.

219 GEORGE MITCHELL, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. George Mitchell.

Q. Where do you live?—A. 1018 North Ninth.

Q. How long have you lived there?—A. About five months.

Q. How long have you lived in the city?—A. About thirteen years.

Q. You are a colored man?—A. Yes, sir.

Q. Born and raised in this country, and have always lived here?—A. Yes, sir.

Q. How old are you?—A. Twenty-three past.

Q. Have you ever registered at the city hall?—A. No, sir.

Q. Did you go to the polls last election day?—A. Yes, sir.

Q. Did you offer to register at those polls?—A. Yes, sir.

Q. Where were they?—A. Johnson's barber shop.

Q. Where is that?—A. West side of Seventh.

Q. Between what streets?—A. Between Wash and Carr.

Q. You offered to register, you say, at the poll?—A. Yes, sir.

Q. Did you register?—A. No, sir.

Q. Why not?—A. They told me I couldn't do it.

221 Q. Did you tell them at the polls where you resided?—A. Yes, sir.

Q. Did you tell them how long you had lived in the city?—A. Yes, sir.

Q. Now, why didn't you register; what reason did they give you?—

A. They told me I couldn't do it; I don't know why it was for; they didn't let me, that is all I know.

Q. You didn't vote then, I reckon?—A. No, sir.

Q. What ticket did you propose to vote, if you had registered and been permitted to vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Where did you vote for Hayes?—A. I didn't vote for him at all.

Q. Are you a married man?—A. No, sir.

222 Q. What is your business?—A. Any kind of laboring work I can get; I have got no trade.

Q. Do you run the river?—A. Sometimes; but I labors on the levee; any work that I can get to do to make a living at.

Q. When did you make your last trip on the river?—A. I haint made a trip on the river in four or five months.

Q. You, then, arrived here just before the election day?—A. No, sir; I worked in the country sometimes.

Q. But you had been living in this place, you say, four or five months, and your last trip was about four or five months?—A. I said I haint made a trip for four or five months.

Q. And you are living at 1018 North Ninth street about four or five months?—A. I had been living that time—yes; I guess that is 223 about it; I don't know exactly whether it was four or five months; I didn't keep no account of it.

Q. Since 1018 North Ninth seems to be prolific of colored voters, I would like to know how many colored men live in that yard?—A. Some three or four families.

Q. Now, give me the names of all the men over twenty-one years of age living at 1018 North Ninth?

WITNESS. You want me to give the names of all the men that live in that yard?

Mr. POLLARD. That is what he asks you, if you know them.

A. There is Dan Holland, Pat. Logan, Cal. Clark, Edward Jackson, and myself.

By Mr. DONOVAN:

Q. How often were you at the polls there that day?—A. I went there but once.

224 Q. What was your business on that day?—A. I didn't do anything.

Q. You spent the day at the polls?—A. I did not.

Q. How did you spend it?—A. I was around town at different places; I don't know where I was at.

Q. What were you doing?—A. I was not doing anything that day.

Q. Not having anything to do, did you inquire from any Republican agent as to whether or not you could vote?—A. I did not.

Q. Didn't you take interest enough in the subject to find out whether or not you could vote?—A. Of course I took interest enough in it.

Q. Did you ask anybody?—A. I found out from the judges 225 inside that I could not; when I went to cast my vote they told me that I hadn't registered.

Q. How long did you remain at the poll altogether?—A. I don't know, sir.

Q. About how long?—A. It might have been five or ten minutes; no longer; that is, after they talked to me, when they told me I couldn't register; and then I went away.

Q. Were there any other colored men there?—A. There was plenty of them standing around.

Q. They were taking an interest in the election?—A. I don't know what they were doing in the election business.

Q. Did you talk with them?—A. No, sir; I wouldn't talk with any of them.

Q. Didn't they ask you whether you could vote or not?—A. 226 No, sir; they didn't ask me whether I could vote or not.

Q. Didn't they ask you whether you had voted or not?—A. Nobody didn't ask me.

Q. Were not some of these men around there for the purpose of seeing that Republicans voted?—A. Well, may be there were; I don't know.

Q. Why didn't you speak with them, and see whether the judges were right in deciding that you could not vote?—A. I don't know nothing at all about it. I didn't do it; I don't know why.

Q. Are you sure that you were in your right precinct?—A. I think I was. If I am not mistaken, I think I was.

Q. Do you know whether you were or not?—A. I am pretty sure I was. I was sure enough to go there, thinking that I was right.

227 Q. How often did you try to vote that day?—A. Only once.

Q. Did you vote in the second district?—A. I didn't vote any place.

Q. You just walked around town?—A. I went down town just the same as I would do any other day when I was doing nothing.

Q. But you never went to any other polls, and you were idle, not doing anything, and it was election day?—A. I was not doing anything, and it was election day.

Q. How did you employ your time?—A. Like anybody else; walking around town as I would any other day.

Q. Never walked near any other polls?—A. I told you once I didn't.

Q. Where did you walk to?—A. I walked in the street.

Q. Where did you walk to?—A. Well, where would any man walk to that is walking about the streets?

Q. You walked around from poll to poll?—A. There was polls scattered all around; then, unless a man went to a polling place he would be walking around the streets like I was.

Q. You went around from poll to poll?—A. I told you I went around the streets.

Q. Well, what was the next poll that you walked to?—A. I never went to but one ballot-box.

Q. I aint talking about the ballot-box, I am talking about the poll?—A. I never went to no other one, if you can understand what I say; that is what I said.

Q. You hadn't a thing to do; it was election day, and there 229 was polls scattered all through the city; you were walking the streets, and yet you never went to but one poll that day; is that the fact?—A. I told you so once that I didn't; that is what I said.

Q. Did you get your dinner that day?—A. Yes, sir; I got my dinner that day; get it pretty near every day, except some days when I I can't get it; sometimes I was too busy to get my dinner.

Q. Did you go home at noon?—A. No, I didn't go home at noon; I can go at any other time.

Q. Did you get a meal in that house that day, 1018 North Ninth?—A. Yes, sir; that was the proper place to get it. Warn't it the place where I lived at?

230 Q. Did anybody come for you to that house to bring you to the polls?—A. On that day, no.

Q. Can you read?—A. I cannot.

Q. How do you know that you had a Republican ticket in your hand?—A. Like anybody else.

Q. If you couldn't read it how do you know it was a Republican ticket?—A. Well, the party that give it to me can read.

Q. Did you know the man that gave you the ticket?—A. I did.

Q. Do you know his politics; did he tell you what his politics was?—A. He didn't; I know him long enough; I live right in the house with him.

Q. Who was it?—A. Ed. Jackson.

231 Q. Where did he give it to you, at the house or at the polls?—A. He give it to me on the street.

Q. How far from your own house? Do you know whether he can read?—A. He can.

Q. You think he can?—A. I told you he could.

Q. Well, you took his word for it?—A. I did.

Q. Now, when you went to that poll all that you offered to do was to cast the ballot you had in your hand?—A. That is all.

Q. And the judges told you that your name was not on the list, and they couldn't take it?—A. Yes, sir.

Q. And that is just what transpired there?—A. That is what transpired there.

Q. That is all?—A. Yes, sir.

Signature waived.

232 FREDERICK PARTENHEIMER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Frederick Partenheimer.

Q. Where do you live?—A. 1309 Newhouse avenue.

Q. Were you judge at one of the election precincts last fall?—A. Yes, sir.

Q. What precinct?—A. It was one hundred and sixty-eight, if I aint mistaken.

Q. Were there any Chronicle tickets offered at those polls that day?—A. Yes, sir.

Q. How many?—A. Well, I know we took in two, at least, if 233 I recollect—perhaps three or four of them; two I recollect well enough.

Q. What was done with those tickets?—A. Those two were thrown out that were received, and I saw one of the counting judges whilst we were counting—some gentleman came in and remarked that these were bogus and had no right to be there; they made some kind of remark about it, and then the other judges took these tickets and threw them in the stove. The very first count that we had, may be, it was resolved not to count these tickets, as every one believed they were bogus.

Q. Was Mr. Sessinghaus's name on them for Congress?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

234 Q. Can you describe a Chronicle ticket?—A. Yes, sir; it was a ticket of the shape of tickets generally; it was headed "Independent Chronicle Ticket," or something like that, with the candidates printed on as on the tickets usually.

Q. Do you know how the ticket was mixed up as to Democrats and Republicans?—A. I know there was candidates from the two different parties on it; I saw them.

Q. You are a Republican, and were there as a Republican?—A. Yes, sir; that means I was there as a non-partisan judge.

Q. You all treated that ticket as a fraud on voters?—A. Yes, sir.

Q. You took action on it and concluded that it was a base de-235 ception?—A. I did not, sir; you must not make me say that. At first I thought they ought to be there; the other judges said that they ought not to be; so I submitted. I thought they (the tickets) were right, and that they should not be thrown out. I made that remark, I think, to the gentleman that came in.

Q. Did you stick them into the stove?—A. No, sir; I did not personally; one of the other judges did.

Q. You didn't object to their being stuck in the stove?—A. May be I did; I can't tell.

Q. But, as an actual fact, you didn't object to their being thrown into the stove?—A. I submitted to it; I didn't make no objection.

Q. You didn't tell the gentlemen that were going to throw them into the stove that they ought not to do that?—A. No, sir; I didn't.

236 Q. Well, you permitted no transfers to be made at that poll?—A. No, sir; I don't think we did.

Q. You received a printed instruction, with the poll books, to the effect that no party, Democrat or Republican, could transfer on election day if they had been previously registered?—A. Certainly.

Q. And that rule was universal throughout the city?—A. I understood it to be so.

Q. And it applied to Democrats as well as Republicans, who had neglected to obtain their transfers?—A. I expect that was the instruction, as I can recollect now, that we had no right to make any transfer.

Signature waived.

237 HENRY SCHWANER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Q. Question. What is your name?—A. Answer. Henry Schwaner.

Q. Where do you live?—A. Sixteenth and Mallineckrodt.

Q. You were judge of precinct one hundred and sixty-five, were you?—A. I think that is the number; yes, sir.

Q. On last election day?—A. Yes, sir; on last election day.

Q. How many ballots were received that day that were rejected by the judges and not counted?—A. I think there was one, but 238 one of the supervisors took it, as far as I know.

Q. Why was it rejected?—A. I can't say; it just happened while I was at dinner, but I heard so when I came back.

Q. I believe that is the precinct in which the Little Sisters of the Poor Hospital is situated?—A. Yes, sir; they come there to vote.

Q. Were there a good many voters from that hospital at that poll that day?—A. Yes, sir.

Q. About how many?—A. I should think in the neighborhood of twenty, perhaps more, perhaps a few less.

Q. They all universally voted the Democratic ticket?—A. Principally.

Q. Now, how long have you lived in that neighborhood, Mr. Schwaner?—A. Nearly thirty years.

239 Q. What is that hospital; is it a public or a private hospital?—A. I think it is a private hospital.

Q. It is not supported by public taxation?—A. No; it is not so supported; so far as I know, it is not.

Q. What is the character of those men who voted from that hospital?

(Mr. Donovan, counsel for contestee, objects to this speculation in regard to what the politics of a man may be, judging from his appearance.)

WITNESS. What do you mean by character; do you mean their standing in society?

COUNSEL. Yes; and other things.

Mr. DONOVAN. What other things?

WITNESS. I do not know that I have—that I am acquainted with any one; so, of course, I cannot tell you what the character of those are.

240 By Mr. POLLARD:

Q. Were they, in your judgment, qualified voters from that precinct?

(Mr. Donovan, counsel for the contestee, objects to the question, unless the gentleman states what does or does not make up the qualification of a voter.)

A. There was a good many come there that were not on our list, and some of their friends insisted that they should be registered, which was done.

By Mr. POLLARD:

Q. They were registered at the polls?—A. Yes, sir; at the polls.

Q. Did you ascertain whether they had ever been registered before in the city?—A. We tried to ascertain from those friends—those that I saw they said they were citizens, and that they were registered before, but were not on the list.

241 Q. And they registered there that day, and their votes were counted?—A. Yes, sir.

Q. Did you transfer any voters there, except those that came from that hospital at those polls on that day?

WITNESS. You mean whether there was any registered?

COUNSEL. No; I ask you whether there were any transferred?

A. I think there was one or two persons come and wished us to give them a certificate that their name was on our books, we did give them a certificate—made out a certificate to them in that respect, stating that the names of those parties appeared on our poll books, but that they had not voted; that we would not allow them to vote there.

Q. Because they didn't live in your precinct?—A. They said they had moved.

242 Q. Did you permit anybody to vote at those polls whose name was not on your list, but who satisfied you that they were living in that precinct, but were registered at other precincts?—A. We did not accept any such votes.

Q. Except these people from this hospital?

Mr. DONOVAN. He has not said that at all.

A. I said that they have registered there, under the supposition that they were entitled to register.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Well, you are a Republican?—A. I am.

Q. And you were the Republican judge at the poll at that time?—A. I don't know whether I was the Republican judge; I was appointed by the mayor; I don't know whether he took into consideration if I was a Republican or Democrat.

Q. That was the rule, to appoint Democrats and Republicans to each poll?—A. Yes, sir.

Q. And you were selected as a Republican?—A. If the mayor has taken in consideration my politics, I don't know it; he didn't know what side I was voting on; my appointment said nothing about being a Republican judge.

Q. You are a very prominent Republican in this city?—A. That may be.

Q. You have been elected to office as a Republican frequently?—A. Yes, sir; I have.

Q. And holding office now as a Republican?—A. Not elected by Republican voters altogether; I think I have secured the votes of a good many Democrats, too.

244 Q. But your politics are positively Republican?—A. My politics are Republican.

Q. Now, at that poll, just as at all other polls in the city, as well as in all the districts, the printed instructions came from the city hall with the poll books?—A. Yes, sir.

Q. You read those?—A. Yes, sir.

Q. Now, among other instructions that were there printed was one that if a party had registered previously at a different polling precinct, and had failed to notify the officers at the city hall of the fact of his removal, the judges at the polls had no right to transfer him?—A. I think that was printed there; yes.

Q. And these instructions went along with the poll-books to every poll in the city of Saint Louis and to every district?—A. Yes, sir.

245 Q. And applied to Democrats and Republicans alike?—A. Yes, sir.

Q. Do you know by whom this instruction was prepared; was it by the law officer of this city?—A. I don't know.

Q. Was it prepared by the city counselor?—A. I don't know; they were sent with the poll-books.

Q. Do you know whether these men who voted from the hospital were at the hospital, living there?—A. No.

Q. They were old gentlemen, were they not?—A. Yes, very old; and some even so old that they couldn't walk themselves, but had to be lifted up on the platform to deposit their vote.

Q. But they were all old?—A. Yes, sir; they were all old.

246 Q. It is a home for old people, isn't it?—A. Principally.

Q. And is not a public institution?—A. No, sir.

Q. Now, did you examine the ballots of these men?—A. I did not.

Q. So you could not tell how they voted?—A. I had no business to do that, nor did I do it; but their friends, who took an interest, insisted upon their registration. I knew them to be Democrats.

Q. You didn't examine the ballots of these men and don't know how they voted?—A. I do not.

Q. Did any of those Democrats that were insisting upon these men voting vote for you when you were running?—A. I never asked anybody, but I am positive that I have got a good many whenever I have run.

By Mr. POLLARD:

247 Q. Now, this hospital, Mr. Schwaner, is a place where sick people go and remain until they get well, and then go away again?—A. That I couldn't answer. I don't know where they live when they are well.

By Mr. DONOVAN:

Q. It is not a hospital at all. It is a home for old men?—A. Yes, sir.

By Mr. POLLARD:

Q. What time were your polls opened?—A. I think it was a little after 7 o'clock. Our poll-books were not there on time.

Signature waived.

248 OSBORNE TURNER produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Osborne Turner.

Q. Where do you live?—A. I live on the Saint Charles Rock road, between Laclede and Saint Louis avenues.

Q. How long have you lived there?—A. I have been there about eight months in all.

Q. How long have you lived in the city of Saint Louis?—A. I 249 have been living in Saint Louis, off and on, for about thirty years. I have staid at home since the war.

Q. How old are you?—A. I am going on—well, I was born in 1823.

Q. You were born in the United States, and have always lived here?—A. Yes, sir.

Q. You are a colored man?—A. Yes, sir; always lived here too.

Q. Did you ever register at the city hall?—A. Yes, sir. I gave my name to Mr. Diefenbrook that last time. That was my transfer, and he

told me it was all right. I came down there one day, and it was so full that I didn't stay.

Q. Is he one of the clerks?—A. He is a little humpback fellow inside of the door.

Q. Was he one of the clerks there at the registering office?—A. 250 I don't know what his office was. He said it was there for business.

Q. Now, where did you live when you registered—the place from which you wished to be transferred?—A. On Grand avenue, between California and Boston.

Q. How far is that from where you are now living?—A. It is nearly a quarter of a mile.

Q. Is it in the same voting precinct with the place where you now live?—A. No, sir.

Q. You went to the city hall just a few weeks before the election?—A. Several weeks.

Q. And gave this young man this information?—A. Yes, sir; where I was living.

Q. And he told you that you would be transferred all right?—A. Yes, sir.

251 Q. Did you go to the polls on election day?—A. Yes, sir; I did, sir.

Q. Where were those polls?—A. Below at the Three-mile house, at Joe Post's; he keeps a bar-room there.

Q. You mean the Three-mile house on the Rock road, Joe Post's?—A. Yes, sir.

Q. Did you find your name on the list when you went there?—A. They said my name was not there, and they shoved me right out. I can tell you the squire that done it, too; I seen him this very morning.

Q. You didn't find your name there?—A. I didn't find it out there.

Q. You didn't vote?—A. No, sir; they didn't take my vote at all.

Q. What ticket did you offer to vote there that day?—A. Straight Republican ticket.

252 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. But you didn't vote?—A. No, sir; they wouldn't accept it.

Q. Although you offered to do so, although you offered to vote?—A. Yes, sir; I offered to vote.

Q. Who is this squire that you are talking about?—A. Mr. Russell.

Q. So it was a justice of the peace, in the discharge of his duties, informed you that you could not vote at that place?—A. I couldn't vote there.

Q. Do you know Squire Russell well?—A. I think I do.

Q. And he knows you well?—A. Yes, sir.

Q. And he is a justice of the peace out there?—A. Yes, sir; he aint now, but he used to be.

253 Q. What do you know of Mr. Diefenbrook, whom you spoke to at the recorder's office?—A. I know his father. I know them all a good many years.

Q. Don't you know that Mr. Diefenbrook was not a clerk at that place, but was simply a canvasser?—A. If I had known it I wouldn't have given him my business; I would have come back myself and attended to it.

Q. Didn't Mr. Diefenbrook say that he would have your transfer made there?—A. He said he would do so; that he was there for that purpose.

Q. He was outside of the counter?—A. He was outside of the counter.

Q. You then did not speak to any clerk at the recorder's office, 254 the office that you visited at the city hall?—A. No, sir; only him; he said he would manage that, and I supposed he could.

Q. He said that he would do that for you, have you transferred?—A. Yes, sir.

Q. And he didn't succeed in getting a transfer?—A. He said that it was there; I can't say anything about it.

Q. Don't you know it was your duty to go there and swear to the fact of your removal, and that Mr. Diefenbrook couldn't swear you?—A. Why, can't I swear before anybody? When I see the man wanted to do me a favor and I was in a hurry; he knew where I lived; he lives right above me there.

Q. Didn't you know that you had to go down and attend to that matter of transfer yourself?—A. I guess I ought to have done 255 it; I didn't know this, but I know it now.

Q. You didn't have time to wait there?—A. As I told you, I went down there, and it was very much crowded, and when I got in there I says to Diefenbrook, "Can I get in there." He says, "No." He says, "Give me your name and I will have it fixed up for you."

Q. That was at the city hall?—A. That was at the city hall.

Q. Not in the room at all, though?—A. No, sir; it was in the hall up there.

Q. Was there a big crowd there?—A. Yes, sir.

Q. You talked to Mr. Diefenbrook out in the hall, a man who was not 256 a clerk, and he said, "Well, I will look out for this," and you went away?—A. I didn't go away until he put my name and address down.

Q. He was a clerk at the recorder's office?—A. I don't know that; he said give him my name, and so I did that.

Q. Why, don't you know he was not?—A. No, sir.

Q. Don't know that he lives out in that section, and was just simply trying to drum up Republican voters?—A. Many men live out there, and are clerks in the city.

Q. Don't you know that Mr. Diefenbrook was simply employed by the Republican party, and was not a clerk of the recorder's office?—A. No, sir; I don't know that either.

Q. But you know him very well?—A. Yes, sir; I did.

257 Q. And you saw him drumming up voters, did you?—A. No; he was not drumming up voters out there; only there at the city hall; that was the only place that I saw him.

Q. That is not in the room?—A. No, sir; he was in the hall.

Q. That is not in the room where this business is transacted; is it or is it not?—A. I call it in the house; it was in the room.

Q. Don't you know, as a matter of fact, that under that same roof there is as many as forty offices, and that there is a large hall runs clean through the building, which makes a very large passage-way?—

A. Well, the hall is in the room.

258 Q. Or is the room in the hall?—A. Yes, sir; the room is in the hall.

Q. The room then is in the passage-way?—A. Of course; I was just in the hall; it is not in the room. I am talking about the city hall, that is what I am talking about.

Q. Did you ever get into the room at all?—A. Yes, sir; I have been in the room.

Q. When?—A. I was in the room when Diefenbrook was there; I was giving him my name then.

Q. You were not near the counter?—A. Oh, no; I was not near the counter.

Q. And all the clerks were behind the counter?—A. All that I seen; I don't know whether they was clerks or not.

Q. And you talked to this man outside?—A. Yes.

Signature waived.

259 HENRY ERMENTRAUT, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Henry Ermentraut.

Q. Where do you live?—A. On Saint Louis avenue.

Q. What number?—A. 1420.

Q. How long have you lived there?—A. Well, it is about a year.

Q. How long have you lived in the city?—A. In the city I live from twenty-five or twenty-six years.

260 Q. How old are you?—A. I am fifty-five, going on fifty-six.

Q. How long have you lived in this country?—A. From 1850.

Q. Thirty-one years?—A. Yes, sir.

Q. Have you ever been naturalized; have you taken out your naturalization papers?—A. Yes, sir.

Q. Have you ever registered at the city hall, Mr. Ermentraut?—A. Not in the city hall; the last time I registered was on Eighteenth street, between Benton and the other street.

Q. That was at the polls?—A. No, that was at a squire, or something like that.

Q. How long ago was that?—A. A good many years.

Q. Did you ever get a transfer from where you had previously registered to 1420 Saint Louis avenue?—A. No; I lived ten years by 261 Stotelben; that is, on Fifteenth, between Saint Louis avenue and Wright; then I built myself on Saint Louis avenue, between Fourteenth and Fifteenth, around the corner. Well, I wanted to transfer on last election day but I couldn't get it; it was the last day, and I could not go out of the shop and run there to the city hall; I had waited there pretty near an hour one time, but it was so crowded that it takes me pretty nearly a whole day to get near the counter; so after I had been there nearly an hour I go back again to my shop and I thought I was an old citizen, living there so many years in that neighborhood, when I go to the polls it will be all right.

262 Q. Where were those polls?—A. On Saint Louis avenue, pretty near the corner; the corner is a grocery close to Bellefontaine, near Bellefontaine, between Thirteenth and Fourteenth, on Saint Louis avenue; from my place it is not quite a block; I live between Fourteenth and Fifteenth, and that poll was on Saint Louis and Fourteenth.

Q. Now, how far from 1420 Saint Louis avenue did you live before you moved to 1420?—A. It is not half a block.

Q. Is it on the same side of the street?—A. No, I live now on Saint Louis avenue, and before I lived on Fifteenth, between Saint Louis and Wright, in the middle of the block.

Q. Is it in the same block?—A. Not the same block. I moved 263 around the corner and across the street.

Q. How long did you live at that place?—A. Pretty near ten years.

Q. Did you ever vote while you were living at this other place?—A. Yes, sir.

Q. Several times?—A. Yes, sir.

Q. Is it in the same voting precinct?—A. Yes, sir.

Q. Are both places in the same precinct?—A. Yes sir.

(Mr. Donovan, counsel for the contestee, objects unless the witness is familiar with the line of the precinct.)

By Mr. POLLARD:

Q. You went on election day to the poll, did you?—A. Yes, sir; Stot-leben, who was my landlord, he knowed me, and he got my vote; 264 he put my name on the book, so far as I know; he was my landlord, and when I found out that I couldn't register, then I spoke to him, and he says that was so; that I couldn't register.

Q. Did you offer to vote there that day?—A. Yes, sir.

Q. What ticket did you offer to vote, Republican ticket or Democratic?—A. Republican.

Q. What was done; did they take your ticket; did they take your ballot in at the window?—A. No, sir; not just that way; there was a man there; he was a marshal; he was Mr. Israel; he disappointed my vote right then and there; he knew me very well; and when 265 I come to the polls I say, "Well, I want to vote; I am an old citizen here." He says, "You can't vote here." I says, "What reason have you got; I have as much right to vote as you have;" and he says, "You can't vote." He goes right on to the window, and he talks there; and this man inside, he told me that I shall not vote until the other man comes.

Q. Did you wait?—A. Then I waited so long, and then I came back again; he was to dinner; about two o'clock he came back, and, of course, I went to the window again, and he says here is Ermentraut, if he can vote; he is not registered or transferred. I heard somebody inside there say, "No, he can't vote;" Israel says that, and I says, "You got 266 nothing to say to me at all." He says, "What kind of a man I am." I says "It makes no difference;" I says, "I am a citizen; I will give my vote, and I will give my name on it, and the number from my house, and that is all."

Q. And you did that; you put your name on the ticket?—A. Yes, sir; that man comes there from the table, and he takes my vote, and he file it on the string there.

Q. That was a Republican ticket, was it or was it not?—A. Yes, sir; Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. But, Mr. Ermentraut, if people had been previously registered they had to obtain a transfer at the city hall?—A. Yes, sir. 267 Q. And that transfer you didn't obtain at the city hall after you moved?—A. No, sir; I went to the city hall, but found the door closed; there was a gentleman went with me to the city hall in a buggy.

Mr. DONOVAN. This being a plain case of neglect to transfer, I decline to cross-examine the witness further.

Signature waived.

268 MATTHEW STOLTZ, produced, sworn, and examined on the part of the contestee, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Matthew Stoltz.

Q. Where do you reside?—A. Four-Mile House, Saint Charles Rock road.

Q. On the Saint Charles Rock road; which side of the Rock road?—A. On this side, where I live now.

Q. How long have you lived there?—A. Since the first of June.

Q. How long have you lived in the city of Saint Louis?—A. Since 1857.

269 Q. How old are you?—A. Sixty-two.

Q. How long have you lived in this country?—A. Since 1850.

Q. Did you get your naturalization papers, your citizen papers?—A. Yes, sir.

Q. Now, did you ever register at the city hall?—A. Three days before election—this last election.

Q. What did you do when you went to the city hall before this last election?—A. I went there to get myself registered from where I lived before, on Wash street.

Q. Did you get transferred?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. This side of the Four-Mile House; I have forgotten the name of the place.

270 Q. East of the Four-Mile House?—A. Yes, sir.

Q. On the Saint Charles Rock road?—A. Yes, sir.

Q. How far from the Four-Mile House?—A. About midway. I have forgotten the block.

Q. Was that the proper place for you to go to vote in?—A. My name was not on the list.

(Mr. Donovan, counsel for the contestee, objects to the question, unless the witness states that he is familiar with the lines of the voting precinct.)

A. Yes, sir; I knew that; why shouldn't I?

By Mr. POLLARD:

Q. You found your name stricken off when you got there?—A. No, sir; it was there, my name _____; Diefenbrook went there with me and told them that I was all right.

271 Q. Did you vote?—A. I voted it, but they didn't take it in.

Q. What ticket did you vote?—A. Republican.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do you know the lines of your voting precinct?—A. No, sir; I went over there with others who live in the same block; their names is James Baier and others, too.

Q. Who is this gentleman, Diefenbrook?—A. He is the owner of the house, Four-Mile House.

Q. He is the same man that Ermentraut was speaking about?—A. Yes, sir; that is the same man; he was a clerk in the city hall.

Q. How do you know that? Did you ever visit the city hall?—A. I was there three days myself.

Q. You found him outside of the counter, in the room with the voters?—A. He was standing with the book, about six inches long, carrying down the names.

Q. In the room?—A. In the ante-room, where we go in from the street.

Q. Into the ante-room?—A. Yes, sir.

Q. Republican voters were going to him, and he was taking their names?—A. I don't know what kind of a book he had.

Q. Now, you registered from some place on Wash street a number of years ago?—A. I moved some four or five years ago.

Q. How far is that from the Four-Mile House?—A. Four miles from there, about.

Q. Not in the same voting precinct?—A. No, sir.

273 Q. After you moved from the city did you go to the city hall to notify the officers in the recorder of voters' office of the fact that you had removed?—A. I came personally, and had a transfer made.

Q. That is, you told Mr. Diefenbrook about it?—A. No, sir; I was myself in the office.

Q. Did you talk with anybody in the office besides Diefenbrook?—A. I wrote it in a book; it was a mistake there.

Q. Mr. Diefenbrook was an agent, employed by the Republican party to drum up votes?—A. I know nothing at all about that. I didn't concern myself about that.

Q. He lives near you?—A. Yes, sir; but he moved subsequent; he lives further away now.

274 Q. He asked you to go to the city hall, and said he would meet you there, didn't he?—A. He told me that it was high time that I should register; that I had better go up and be registered. It was three days before.

Q. And he was standing at the city hall, helping Republican voters?—A. I don't know; he doesn't know how I vote, if I wanted to vote. He said I had better go and be registered. I never let anybody bribe me. I am intelligent enough for that.

Q. I am not asking you whether you were bribed or not. I am trying simply to ascertain whether you got a transfer. Mr. Diefenbrook

is the one who told you he would get your transfer for you?—
275 A. He said he was in the office, and all I had to do was to come there and see him.

Q. Do you know whether Mr. Diefenbrook is a clerk there?—A. Yes, sir; I have heard that.

Signature waived.

276 JACOB STEEBER recalled by the contestant.

Direct examination by Mr. POLLARD:

Question. Have you now in your hand the tickets which you spoke about this morning as being a Chronicle ticket—the same kind of a ticket—and a Hancock independent ticket, voted there that day, and which the judges refused to count?—Answer. Yes, sir; except that one. I had another one that was lost; the other one was like this here one.

Q. Now, is the name of Mr. Frost erased there on those tickets, 277 and the name of Mr. Sessinghaus inserted?—A. Yes, sir; you can see for yourself.

Q. Is that on both, or on one?—A. It was on both.

Q. That is, on two of the three tickets?—A. I had two; each one was marked in that way; and that one was thrown on the floor that way [indicating]. What kind of tickets was out on the board I do not know; and when these three were thrown on the floor I picked them up and saved them.

Q. Did you see any scratches on the Chronicle ticket?—A. Yes, sir; on the other Chronicle ticket too.

Q. Now, do you know this Little Sisters' hospital that has been spoken of this afternoon?—A. Yes, sir; well.

Q. How long have you lived in that neighborhood?—A. I have lived there over two years. I work about a hundred yards from the place.

278 Q. Now, what kind of people are those that are in this hospital; I mean, are they people who reside there permanently, or are they people who go there temporarily for the purpose of being cured, and then go away?—A. They are people that are hardly able to walk. Sometimes they get a little chance to make a few dollars, and they go out and come back again, so much as I know of them for two years that I have lived right there. When we had a council election there they drive politics with them; they offered them to the Republican candidate for seventy-five dollars; I heard it out of his own mouth.

Cross-examination by Mr. DONOVAN, counsel for contestee:

279 Q. Mr. Steeber, you have been listening to some gossip.—A. I have been telling you what I have heard right from the man himself.

Q. But you have been giving us some political gossip now about these people being offered, for a certain sum of money, to vote for different candidates.—A. I heard the fuss about that; I was right close by.

Q. You were near there?—A. The judge at the polls.

Q. Did you know the man you were talking to?—A. I know he was running for the council from the Sixteenth ward, and he is councilman there yet.

Q. Did you know whether he was lying or not?—A. I don't know whether he was or not.

Q. Now, that is not a hospital, but is a home for aged men?—A. Yes, sir.

280 Q. So you are sure it is not a hospital; you live in the vicinity?—A. No, it ain't exactly a hospital; it is a home for aged men.

Q. Now, will you please examine this, what is called the Hancock independent ticket, and what is known as the Chronicle selected ticket, and give me your opinion as to whether or not both of those tickets are not a base fraud, calculated to deceive honest voters?—A. I don't know how I should answer that—whether it is legal or not. We come to that opinion at the time that we was with the judges—that they were not legal, and some one took them away from the board.

Q. You are a Republican?—A. I am a Republican.

Q. And you, with the other judges, came to the conclusion 281 that this was a fraud, both tickets—both of those tickets?—A.

No; I didn't say that they was a fraud; I was opposed against it.

Q. Will you please examine that Hancock independent ticket and inform me what appears in print over the name of R. Graham Frost, and is here scratched out?—A. "For Representative in Congress, second Congressional district."

Q. Now, do you not know, as a matter of fact, that Mr. Frost was not running for Congress in the second Congressional district?—A. I know that.

Q. Now, why should some people, with a base design to defraud voters, print and furnish a ticket to that poll with his name as running for Congress in the second Congressional district when he was a candidate in the third Congressional district?—A. That is more than I can tell you.

282 Q. Isn't it a base fraud to do that?—A. Well, I believe it was not right.

Q. Wouldn't many an honest voter be deprived of his right to vote for Mr. Frost in the third district, because the ticket that he voted, if he voted this ticket, would give his vote to the second district?—A. I don't recollect of that being so at that time; if it had been seen, the ticket would not have been taken in.

Q. You don't believe it to be an honest ticket?—A. The ticket might be honest enough. I don't believe it was a fair ticket, to print on it that he was running for Congress in the second district when it was the other way—when he was running in the third district.

283 Q. Now, do you know how many Democrats in the third Congressional district were deceived by having the name of Mr. Frost on such a spurious ticket?—A. I couldn't tell you.

Q. You know that none of them were counted?
WITNESS. Which ones?

COUNSEL. The votes given for Mr. Frost on tickets of that kind.—A. There was only two tickets thrown in like that. One was Hancock' and the other was the independent.

Q. But this ticket of which I am now speaking, in which Mr. Frost's name appears as running for member of Congress in the second district instead of the third district. Do you know who got up that ticket?—A. I couldn't tell you.

Q. Now, Mr. Sessinghaus's name is on this other fraudulent
284 and illegal ticket, called the Chronicle ticket?—A. Yes, sir.

Q. And so one of them was counted up there for him?—A. There was none of these tickets counted; they was both thrown out.

By Mr. POLLARD:

Q. When this ticket was voted there had the word "second" before the words "Congressional district" been erased, and the word "third" written in pencil above it?—A. That is what I couldn't say for sure.

Q. Do you know whether that was on when you got this ticket?—A. I believe it was.

Q. The name of Frost erased and Sessinghaus's name in its place?—A. Yes, sir.

By Mr. DONOVAN:

Q. There are plenty of scratches on that ticket?—A. Yes, sir.

Signature waived.

285 ARTHUR BOYLE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Arthur Boyle.

Q. Where do you reside?—A. I live at 1308 North Twenty-second street.

Q. How long have you lived there?—A. I have lived there a year.

Q. How long have you resided in the city, Mr. Boyle?—A. About twenty-six years, off and on.

Q. Do you know Tim Hannagan?—A. Yes, sir.

286 Q. Was he one of the judges in your precinct?—A. Yes, sir.

Q. Do you know how he was appointed for that place?—A. He swapped with Wellbrodt, a barber on Twenty-first street.

Q. Did he live in that precinct?—A. Yes, sir; he did.

Q. Do you know where he lived?—A. He lived at Paddy Byron's.

Q. What number is that?—A. 2201 O'Fallon street.

Q. He voted there that day, did he?—A. Yes, sir.

Q. Do you know what his number was on the poll-book there?—A. He voted from 1444, I think it is, North Twenty-second; from his father's house.

Q. He didn't reside there?—A. No, sir.

Q. Do you know what ticket he voted?—A. I do not.
287 Q. Do you know what his politics are?—A. He talks Frost all the time.

Q. Was he a Democrat?—A. Yes, sir.

Q. Do you know Martin Cooney?—A. I do, sir.

Q. Where does he live?—A. He lives at Paddy Byron's, 2201 O'Fallon.

Q. What precinct is that in?—A. Precinct one hundred and thirty.

Q. Do you know Jerry Galvin?—A. Yes, sir.

Q. Where did both of these men live last election day?—A. Paddy Byron's.

Q. Do you know Perry Sweetman?—A. Yes, sir.

Q. Jerry Leaghey?—A. Yes, sir.

Q. Edward Doyle?—A. Yes, sir.

Q. Owen Hart?—A. Yes, sir.

Q. Jack Myers?—A. Yes, sir. They don't live in the house 288 there; they live in the stable behind the blacksmith shop; they all four work there off and on in the blacksmith shop; they have no boarding-house there.

Q. James Sexton?—A. He is in New Orleans; he lived there at that time.

Q. Mike Sexton?—A. Now, James Dyer, he is a tinker; he lives on a lot facing on Dickson street; a day or two before the election he moved to the front on O'Fallon street, between 22nd and 23d, north side; didn't have no transfer.

Q. John Cusick?—A. He lives at Paddy Byron's.

Q. Thomas Sexton?—A. He was at Byron's up to election; he went down South some place to work.

Q. Mike Malony?—A. He lived at Paddy's.

Q. Jerry Murphy?—A. He was there before I went there; I don't know whether he was there on election day or not.

289 Q. Do you know Felix Long?—A. Felix Boyle, you mean?

Q. Felix Long, do you know such a man as that?—A. No, sir.

Q. Tom Wilcox, where did he live on election day?—A. He lived at Paddy's.

Q. How long have you known these men whose names I have been asking you about?—A. I have known them from last summer, sir.

Q. Now, how long have you known these men to live in Saint Louis?—A. I can't say. Tim Hannagan was born and raised here.

Q. Do you know whether they voted in the precinct where they resided on election day?—A. Some of them did, and some of them did not.

Q. Which ones did not vote in the precinct?—A. Martin Cooney was the first one; he came to one hundred and thirty precinct first, 290 and then he went to one hundred and thirty-one, he said he voted there; I didn't see him vote. Nearly all of Paddy's men voted there, and Paddy himself, I think voted at one hundred and thirty-one; none of them resided at one thirty-one; five or six voted at one hundred and thirty; the balance of them went to one hundred and thirty-one to vote.

Q. And that is where they did not reside?—A. No, sir.

Q. Now, do you know what the politics of these men are?—A. They are all Democrats.

Q. Did you ever hear them say what ticket they voted on last election day?—A. Yes, sir.

Q. What ticket did they say they voted?—A. All Frost men.
291 Q. Did you see them on election day?—A. I know most of them.

Q. State whether or not they were active Democrats and working on that day?—A. They were working; some around the saloons drinking whisky, and then around the polls?

Q. They were all shouting and saying they were working for Frost?—A. They were around out there, but I think they were working for whisky more than they were for Frost; I was there too.

Q. They stated to you, did not some of them, that they had been refused at poll one hundred and thirty?—A. Yes, sir; they was not registered there; that was the excuse they made for it, not registered there at all, and I think that Paddy had to go up to the other precinct himself.

292 Q. Now, how many of these men were there whom you knew, have voted at poll one hundred and thirty-one, who had no right to vote there?—A. Well, there was, from what I could gather up, and from what Paddy told me, and the men themselves, there was fifteen or sixteen that had to go up to the other precinct.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. How many of them did you see vote?—A. I didn't look; probably four or five of them.

Q. Did you go up to poll one hundred and thirty-one with them?—A. No, sir; I did not.

Q. Well, you did not see them vote at poll one hundred and thirty-one?—A. No, sir; I didn't go up to poll one hundred and thirty-one until evening.

293 Q. But you are talking about possibilities here and giving them as testimony.—A. I can give them for what they are worth.

Q. Do you think they are worth much?—A. I don't know, and I don't care.

Q. What is your politics?—A. I don't know, sir; I couldn't tell you; I mix them up; I don't know what they are, sir.

Q. What ticket have you voted uniformly?—A. I have voted the Democratic ticket most of my life, but I mix up the tickets pretty considerably.

Q. What ticket have you voted mostly?—A. I have voted mostly the Democratic ticket.

Q. What ticket did you votelast election?—A. I voted for Frost.
294 Q. Are you not a Greenback-Labor man?—A. I was.

Q. Why didn't you vote for O'Conner?—A. I didn't think it would pay; there was nothing in it, and he didn't get enough.

Q. Do you know Frost?—A. I do.

Q. You were not a judge at the election?—A. I was not.

Q. You, yourself, say that you had done some drinking?—A. I put in right smart.

Q. Did you get drunk?—A. Pretty full towards night.

Q. While you were full you were listening to this gossip?—A. Taking drinks; taking whiskies.

Q. These men are still living there?—A. Yes, sir.

Q. Don't you think that they would best speak for themselves?—A. I think so.

295 Q. Don't you think that the judges at the poll are the ones who can tell whether they voted or not?—A. I think so.

Q. And those judges are here?—A. Yes, sir.

Q. Now, Mr. Pollard has just introduced you here to furnish a lot of bar-room gossip?—A. I don't know what I am brought here for.

Q. You have spoken about these men before you came here and were examined?—A. Never; not particular; I spoke to them on the street if I saw them; I didn't speak to them for that purpose.

Q. And you talked for the purpose of being brought here?—A. I did not.

Q. Well, have you spoken to this gentleman here, Mr. Hyde?—A. Yes, sir; I talked to Mr. Hyde.

Q. When did you talk to him?—A. I talked to him to-day.

296 Q. He is the man that brought you here?—A. No, sir.

Q. He is the man that subpoenaed you?—A. I don't know; the man that subpoenaed me was an old man with a tall hat.

Q. But you spoke to Mr. Hyde before you met the old man with the tall hat?—A. The old man he came to my house when I was not there. I have spoken to him (indicating Mr. Hyde). I never knew his name was Hyde, though.

Q. You know he has been trying to scrape up testimony up in that district in this here Sessinghaus-Frost contest?—A. I haven't seen him up there at all.

Q. Where did you see him?—A. I have seen him down town; seen him down here with Billy Hardwick one day.

297 Q. You were all talking together?—A. Talking on the corner.

Q. Hardwick is another party interested, just as Mr. Hyde is, in trying to scrape up testimony for the contestant to make a case in this Sessinghaus-Frost contest?—A. May be.

Q. Why did you interest yourself for Mr. Sessinghaus in this controversy?—A. I am not interesting myself at all.

Q. If you were not interested how did you come to favor the Sessinghaus side with this bar-room gossip?—A. Because they asked me the question and I told them all I knew.

Q. Did you see the ballot of any single man in this whole list that you have given?—A. I did not.

Q. You don't know whether they voted the Chronicle ticket, the 298 Sessinghaus ticket, or a Republican ticket, as far as your knowledge of their ballots is concerned, or whether they voted the Greenback-Labor ticket, or a scartched ticket?—A. I don't know what kind of ticket they voted.

Q. And for that matter you didn't see them vote at all, except that you saw Cooney come up to the poll, and was refused because his name was not on the register.—A. Exactly.

Q. And that is all that you know about it?—A. Then he went up to one hundred and thirty-one precinct, and he said he voted there.

Q. You don't know whether he did or not?—A. He said so himself, and Paddy Byron, both.

Q. Byron keeps a boarding-house there?—A. Yes, sir.

299 Q. And has for a number of years; has got rather a large boarding-house?—A. Yes, sir.

Q. Are these married or single men?—A. Some of them is married and some of them is single; some of them their wives is living in one part of the city and they are boarding at Paddy's.

Signature waived.

300 JOHN SCHOMAKER, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Q. Question. What is your name ?—A. Answer. John Schomaker.

Q. Where do you live ?—A. 1438 North Seventh street.

Q. Were you a judge, or a clerk of election at polling precinct forty-seven, last election day ?—A. No, sir; I was clerk at poll forty-three.

Q. Had you ever been clerk of an election before, Mr. Schomaker ?—A. Yes, sir.

Q. More than once ?—A. Twice before.

301 Q. Did you take particular notice of the manner in which they kept account of the votes at that poll on that day ?—A. Yes, sir.

Q. State whether or not the count was kept in an orderly, careful manner, or otherwise.—A. Yes, I was clerk at former elections where I took the tickets, and copied the names on the tally-sheets; at the end of each hour one of the clerks, and two of the judges took the tickets from the box; the names were read off, and the party opposite each candidate's name, and then they were strung upon strings as usual, and the clerk by the name of Lane, that was clerking there with me, he proposed a different way. Now, I am talking about last election

302 day; he made the tally-sheets at the end of the hour when the box was handed in, and he strung the tickets; he had one of the judges, Mr. Lamb, to select the straight tickets, the straight Democratic tickets, and the scratched tickets, and the Greenback-Labor tickets, and then add them up, and see how many votes each candidate received. In the evening when we made a full count of the votes, he got confused and he wanted us to assist him. I told him the only way we could do that was to go right over the boxes again, and he and the judges didn't want to do that. I know in one instance where there was a mistake of ten names in his figuring, but he remedied that, then he said the count was correct, but I didn't think it was. I was positive it was not,

303 and I don't think he was positive about it.

Q. So, from the method in which they did business, there was no certainty as to the correctness of the result attained ?—A. No, sir; I think he got confused, and he got kind of muddled himself.

Q. Do you know whether there was any discrepancy there between the aggregate vote polled there, and the correct vote for members of Congress ?—A. No, I couldn't say nothing from memory, nothing positive. I kept no account of the number of votes.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. At the close of the election the judges and clerks were all 304 making the count there, and undoubtedly you did your duty faithfully ?—A. Yes, sir.

Q. You did it to the best of your ability ?—A. Yes, sir.

Q. There was no disposition on the part of anybody to do anything wrong ?—A. No, sir; I don't think there was any wrong at our polls; the only wrong that could occur, was men registering that day who had no right to vote.

Q. There was no wrong done there, nor did they attempt to do any wrong ?—A. No, sir.

By Mr. POLLARD :

Q. You say there might have been a wrong, when men registered there at the polls who were not entitled to vote ?—A. I couldn't tell you. I think there was some registered by the special registrar.

305 Q. But whether they were rightly or wrongly registered you don't know?—A. There was men that vouched for them.

Signature waived.

306 HORACE CARTER, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. What is your name?—Answer. Horace Carter.

Q. Where do you live?—A. 922 Biddle street.

Q. How long have you lived there?—A. I have been there about five months.

Q. How long have you lived in the city?—A. About nine years.

Q. How old are you?—A. Twenty-three.

307 Q. You are a colored man?—A. Yes, sir.

Q. You were born in this country, and you have always lived here?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. No, sir.

Q. Did you register anywhere in this city?—A. No, sir.

Q. Did you go to the polls on election day last November?—A. No, sir; I didn't go there.

Q. The place where they voted, I mean?—A. No, sir; I didn't go to the poll.

Q. You didn't vote?—A. No, sir.

Q. And you didn't offer to vote?—A. I offered to vote; I went down to Ninth and Carr.

Q. That is what I mean.—A. O, yes, sir; yes, sir.

Q. And that is where they voted?—A. Yes, sir.

308 Q. Did you offer to register there?—A. Yes, sir; I went there and offered to register and to vote there.

Q. Did you register there?—A. No, sir.

Q. Why not?—A. They said I was too late.

Q. What time in the day was this?—A. It was about eleven o'clock, if I aint mistaken.

Q. They didn't mean that you were too late in the day, but that you ought to have registered before?—A. Yes, sir.

Q. Did they give you any other reason for not receiving your vote or permitting you to register?—A. No, sir; they told me I was too late.

Q. Did you tell them where you were then living?—A. Yes, sir.

Q. Did you tell them that you never had registered?—A. Yes, sir.

309 Q. What did they then say?—A. They told me I couldn't vote; so I went away.

Q. What ticket did you propose to vote there, if you had been permitted to vote?—A. Republican ticket.

Q. Where was that poll?—A. Ninth and Carr.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Had you ever voted before?—A. No, sir.

Q. In this city, I mean.—A. No, sir.

Q. What is your business?—A. I labors, sir.

Q. Are you a married man?—A. Yes, sir.

Q. Living with your wife?—A. Yes, sir.

Q. You say that you are twenty-three or thirty-three?—A. Yes, sir; twenty-three.

310 Q. Now, then, please tell to us fully all that you said and did

on the visit that you made to that poll.—A. I went there and asked them if I could vote; they said, no; I was too late; they asked me who I was going to vote for, and I said the Republican ticket.

Q. And that is all that you did at that poll?—A. That aint all. I offered to register, and vote too.

Q. When you offered to register, you were speaking to somebody on the outside of the poll?—A. I was talking to the man that was there.

Q. Outside of the polls?—A. Outside of the polls? He was inside—the man I was talking to.

Q. Did you go in?—A. I wanted to go in.

311 Q. How long were you at that window?—A. I was there about fifteen minutes.

Q. What did you say during the course of that fifteen minutes?—A. I just wanted to know why I couldn't vote. I couldn't find out any reason, so I went away.

Q. But you were talking fifteen minutes?—A. Yes, sir.

Q. You just simply offered to vote, and they said you were too late?—A. I went to vote, and register too.

Q. Just tell us what you did; we will see what you tried to do. Just state now, fully, all that you did, and all that you said when you were there fifteen minutes at that window?—A. When I was speaking to him I told him I wanted to register and vote, and he said, "You are too late."

312 Q. Didn't you know that you were not too late?—A. I thought I was not too late.

Q. Weren't there colored men all around you?—A. Yes, sir.

Q. Weren't there plenty of active Republicans all around you?—A. I don't know.

Q. Did you ask the advice of any of them?—A. No, sir.

Q. Did you ask them to explain why the judge should say to you, "You are too late?"—A. I asked one, then I went away. I thought I was not too late. He wouldn't let me vote, so I went away.

Q. Why didn't you interview the registrar?—A. Well, I asked him, and he told me.

313 Q. Were you talking to the registrar or the judge?—A. I was talking to the man at the polls.

Q. He was a judge of election, and not the registrar; which was it?—A. I guess he was the registrar.

Q. Don't you know that it is not the registrar that stands at the window, but that it is the judge, whose sole duty it is to receive the ballot, and, if it is on the list, to place it properly in the box?—A. No, sir; I don't know that.

Q. The registrar was sitting inside?—A. No, sir; I didn't know. That was all I said to them.

Q. Then you didn't talk to the registrar at all?—A. I never talked to no more than I told you; and then I went away.

Q. Then you were very indifferent about this?—A. I cared about it, or I wouldn't have went there if I hadn't cared about it.

314 Q. You didn't take the trouble to inquire of anybody as to whether you had a right?—A. So many of them was fooling of people, and I didn't know how to tell who was telling the truth, or who was not.

Q. But didn't you have some Republican friends around there?—A. I asked one colored fellow there.

Q. And he told you you couldn't have the right to vote at that poll!—
A. Colored man didn't, a white man told me.

Q. You told the colored man the facts in your case, and he told you that you couldn't vote there?—A. No, sir.

Q. What did he say to you?—A. He wanted to know the reason and I told him.

Q. Didn't he say "Come back and we will find out"?—A. I went away then; I don't know.

315 Q. Do you know the lines of your precinct?—A. I never took notice at all, but it is right across from the drug store.

Q. Well, if you don't know the lines of your voting precinct, isn't it possible that you made a mistake in the poll that you went to?—A. No, sir.

Q. How far was the poll from this place that you say you live at?—
A. I had to come up the alley to Carr street; it was not quite on the corner, but was about a door or two from the corner.

Q. About how far from where you live?—A. It is about half a block.

Q. Across the street?—A. Yes, sir.

Q. Don't you know that the street is frequently the dividing line of precincts; that the street frequently divides the voting precinct?—A. Yes, sir.

Q. This colored man that you spoke to there was holding tickets?—
A. No, sir; not this one I was talking to.

Q. You saw plenty of white men with colored men there holding Republican tickets, did you not?—A. I never staid there no time; I just staid there trying to vote, and I couldn't register or vote; I was staying there about fifteen minutes, and then I went away.—

(Question read by the notary.)

A. Yes, sir; I saw some of them holding tickets.

Q. Holding Republican tickets?—A. Yes, sir; some of them.

Q. About how many of them did you talk to after you came away from the poll?—A. I never talked to no one, but that colored 317 fellow; then I went back home; I don't know what his business was; he was not holding tickets when I was there.

Q. What was he doing there?—A. I don't know.

Q. Was he talking up Republican politics?—A. I don't know what politics he was talking about.

Q. Who did you get your ticket from?—A. I didn't get no ticket.

Q. Then you didn't offer any ticket?—A. I offered to vote and register too.

Q. But you had no ticket?—A. No, sir.

By Mr. POLLARD:

Q. Which side of Carr street was this poll on?—A. Going from here it was on the north side.

Signature waived.

318 JOHN G. REDEMEIER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. John G. Redemeier.

Q. Where do you live?—A. Between Tenth and Twelfth street, on Newhouse avenue, but the street don't go through.

Q. What number?—A. It is Ninth, across there; there is no number there.

- . How long have you lived there?—A. Since the 22d or 23d of October last.
- Q. Where did you move from to that place?—A. From Thirteenth and Newhouse avenue.
- . How far is that from where you now live?—A. It is about two miles; it is between Thirteenth and Twelfth; that is one block and tenth street doesn't run through; well, it is between one and two blocks.
- . How long did you live at this other place?—A. I lived there only two months.
- . In the place from which you moved?—A. I lived there about months.
- . Where did you live before you moved there?—A. I lived on Newell, between Ferry and Levee.
- . That is some mile or more from where you now live?—A. Well, I think it is not far from a mile.
- . Now, did you ever get a transfer from the city hall to either of these two last places where you lived?—A. No, sir; never was registered from the city hall.
- Q. Did you ever obtain one from where you lived on Thirteenth Newhouse avenue?—A. No, sir.
- . How old are you?—A. Forty-four.
- . How long have you lived in the city of Saint Louis?—A. Since
- . When did you last vote?—A. I voted on Broadway always. I did each time and I vote all the time.
- . But you never did get a transfer to either of these two last places?—A. No, sir.
- . Did you go to the polls on election day?—A. Yes, sir.
- . Did you vote last election day?—A. I did vote. I went there first, and I told them that I wanted to vote, but I got no transfer, and they said I can't vote. When I wanted to go away they called me back, and they said my vote was right. I could give them my ticket, and then I went back.
- . You don't know whether they put it in the box or not?—A. No, sir.
- . What ticket did you vote?—A. Republican ticket.
- . Did you put your name on the back of the ticket?—A. No, sir; suppose they done that themselves. I didn't look on the back of it.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- . You say you always voted on Broadway?—A. Yes, sir.
 - Q. How far is that from the place that you lived in on election day?—A. Well, I suppose that is within a half a mile.
 - Q. Well, that is in a different polling precinct?—A. Yes, sir.
 - . But you obtained no transfer?—A. No, sir.
 - . Never did get one?—A. No, sir.
 - . Why didn't you go to the city hall to obtain a transfer?—A. I didn't be bothered that much.
 - . You didn't take enough interest in it to go up there and get it?—A. No, sir.
 - . You didn't care enough about it?—A. I didn't trouble my head about it; I didn't care a damn.
 - . You didn't care a damn?—A. No, sir.
 - . You didn't take enough interest in the matter to go to the city and transfer?—A. No, sir.
- gnature waived.

323 ROBERT JOHNSON, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Robert Johnson.

Q. Where do you live, Johnson?—A. 922 Biddle.

Q. How long have you lived there?—A. About five months.

Q. How long have you lived in the city?—A. About eight or nine years.

Q. How old are you?—A. Twenty-four years old, going on twenty-four.

Q. You are a colored man?—A. Yes, sir.

Q. You were born in the United States, and have always lived here?—A. Yes, sir.

Q. Did you ever register at the city hall, Mr. Johnson?—A. No, sir.

Q. You never did?—A. No, sir.

Q. Did you ever vote?—A. No, sir.

Q. Did you go to the polls last election day?—A. Yes, sir; I did.

Q. Where were those polls?—A. On Ninth street.

Q. On Ninth street?—A. Yes, sir.

Q. Whereabouts on Ninth?—A. Ninth and Carr.

Q. Which side of Ninth street was that poll on?—A. Right across from the drug store.

Q. Nearest the river, or from the river?—A. From the river.

Q. On the west side?—A. Yes, sir.

325 Q. Which side of Carr street, on the south or the north?—A. It was on the north side.

Q. At a drug store?—A. No, sir; right across from the drug store.

Q. Did you offer to register at those polls that day?—A. Yes, sir.

Q. Did you register?—A. No, sir; I did not.

Q. Why not?—A. Well, I offered to register and vote, and one man started to take my name and they objected, and they said they didn't think I was a qualified voter.

Q. So they didn't register you?—A. No, sir.

Q. You did not vote?—A. No, sir.

Q. What ticket did you intend to vote, Mr. Johnson?—A. Republican ticket.

Q. Did you tell them at the polls where you lived?—A. Yes, sir.

326 Q. Did you tell them how old you were?—A. No, sir; I didn't tell them how old I was.

Q. Did you tell them how long you had lived in the city?—A. Yes, sir.

Q. But, notwithstanding that, they refused to register you?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Are you a married man or a single man?—A. Single, sir.

Q. Do you board at 922 Biddle?—A. Yes, sir.

Q. Is that a boarding-house?—A. No, sir; I just stay with him.

Q. How many people are in that house—men over twenty-one?—A. Well, three.

Q. What are their names?—A. Harris and his wife, and myself.

327 Q. What is your business?—A. Steamboating.

Q. You are a rouster, are you?—A. Yes, sir.

Q. You make your home on the river?—A. Yes, sir; only when I am in town.

Q. You can put up at most any place when you come in town, can't you?—A. No, sir; I can't put up anywhere else; I must have a home to stay at.

Q. You are in the habit of putting up on the levee down there, as well also as at 922 Biddle, and other places?—A. I make one place my home when I am in town.

Q. But your life is spent on the river?—A. Yes, sir.

Q. You eat at this place when you come to town?—A. Yes, sir.

Q. Do you eat anywhere else?—A. No, sir; I eat at home 328 pretty much all the time.

Q. Why do you call this home?—A. Because I stay there and eat there when I come in town.

Q. Don't you eat just as often down on the levee?—A. No, sir.

Q. Never have taken any meals down on the levee?—A. I am not certain; I may have done that, but not as often as at 922 Biddle.

Q. How often are you in town?—A. Well, sometimes I am in town for two or three months at a time; may be longer; may be not so long.

Q. How long prior to election day did you arrive in the city?—A. I came in that day.

Q. Who was it that took you up to the polls?—A. I took myself up there; me and a young man that was up there; he was a 329 colored man, down on the levee too; he was not a river man.

Q. Did you vote for Hayes?—A. No, sir.

Q. Or for Grant?—A. Yes, sir. Did you say did I vote for Grant? COUNSEL. Yes.

A. I didn't understand you; I didn't vote for anybody.

Q. Have you got a bed at 922 Biddle?—A. Yes, sir.

Q. Do you own it?—A. No, sir.

Q. Have you got a wardrobe there?—A. No, sir.

Q. Have you got ten cents worth of property at 922 Biddle street?—A. I haven't got any property at all.

Q. Of any kind? Well, it is a fact, Mr. Johnson, that your home has been on the river for years.—A. No, sir; I haven't been on a 330 steamboat all my life.

Q. Have you voted in Memphis?—A. No, sir; I never voted in Memphis nor anywhere else.

Q. Now, will you give us fully, without my asking you any further questions, just what you did and what you said on the occasion when you visited that poll; give it to us all without my asking you anything further about it?—A. I will give you all I know about it.

Q. What you said to the judge.

WITNESS. I don't understand you.

(Question read by the notary.)

A. I went there and offered to register and vote.

Q. What did you say?

WITNESS. What did I say?

Q. I want to know what you stated when you went there, and I will judge what you offered to do?—A. I wanted to—I offered to register and vote.

331 Q. What did you say when you went to the window?—A. I couldn't recollect what all I said then.

Q. Did you have a ballot in your hand?—A. No, sir.

Q. Then you went up to the window and had some conversation with

the judge; now, what did you do there?—A. I told him I wanted to register for my vote.

Q. What did the judge say to you?—A. He talked like he would, but another man he objected to it.

Q. Why did he object?—A. I don't know, sir.

Q. Did he tell you why?—A. He said that I had to get proof that I could vote.

332 Q. What did you say?—A. I told them that I could get some.

Q. Then you went to that window the second time that day?—A. Yes, sir.

Q. What happened then?—A. He talked like he would allow me to have my vote, but that man objected to it.

Q. What was his objection?—A. I don't know, sir, what his objection was.

Q. Didn't he state it there?—A. No, sir; he didn't say.

Q. Were not the judges talking among themselves as to whether or not your vote could be received at that particular poll?—A. They was talking about something; I couldn't understand what they were saying.

Q. Now, you just don't know what you said, and you don't know what anybody else said when you went to that poll; and you can't give us the first sentence that any man spoke at that poll, nor 333 any spoken by yourself, or any one spoken by any one else; is that a fact or not; is that the truth?—A. Yes, sir.

Q. Who was it told you to say when you got on that stand that you offered to register at that poll?—A. I don't know who he was.

Q. What is his name?—A. I don't know his name.

Q. He told you to say when you got on the stand that you offered to register and vote; is that his language?—A. Well, I just told you all I know about it; I don't think it is right for me to tell you anything more.

Q. But this gentleman out in the drill-room told you to say when you got on the stand that you offered to register and vote; that is the truth, is it not?—A. No, sir; never told me anything of that kind.

334 Q. Who were you speaking to before you got on the stand?

WITNESS. In what way do you mean?

COUNSEL. In any way.

A. I talked with several fellows out there that I met there.

Q. But those gentlemen here told you to say when you got on the stand that you offered to register and vote?—A. No, sir.

Q. Who told you that?—A. Nobody told me that.

Q. Do you know whether you really offered to register at the poll or not; or whether it was just to vote, to cast your ballot?—A. I went up there and offered to register and tried to vote.

Q. But you can't state in what words you made that offer?—A. No, sir; I don't recollect that now.

Q. Were you instructed before you got on this stand to say 335 that you had tried to register?—A. No, sir.

Q. What do you know about registering; what do you have to do to register?—A. I don't know; that is your business to find out.

Q. Did you know anything about registering before you went to the poll?—A. No, sir; I did not.

Q. But you just went there and offered to vote, they refused your vote, and you went away not being able to be identified; that is a fact, isn't it?—A. I don't understand you myself.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Thursday, February 17, 1881, then to be continued at the same place at the same hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 17.

1 Pursuant to adjournment, as above stated, on the seventeenth day of February, 1881, at the hour of ten o'clock in the forenoon, I continued the taking of these depositions, as follows:

HENRY FRANKLIN, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. What's your name ?—Answer. Henry Franklin.

Q. Where do you live ?—A. On Eighth street.

Q. What number ?—A. It's 1134, I think.

Q. How long have you lived there ? Do you live in the front or in the rear ?—A. In the front.

Q. How long have you lived there ?—A. For about four years.

2 Q. How long have you lived in Saint Louis ?—A. I have been here for the last eight or nine years.

Q. How old are you ?—A. I guess I'm about 24; I don't know my age exactly.

Q. You were born in the United States, and have always lived here !—A. Yes, sir.

Q. You are a colored man ?—A. Yes, sir.

Q. Did you ever register at the city hall ? Did you ever go to the city hall to register before you voted ?—A. No, sir; never voted.

Q. Did you go to the polls on the second day of last November, on election day, to vote ?—A. I did.

Q. Did you vote ?—A. No, sir.

Q. Why not ?—A. They objected to me, sir.

Q. Did you offer to register there at the polls ?—A. I did.

3 Q. What did you do ?—A. I went there and offered to register and vote; they said my name was not on the record and I couldn't vote. I just stood back and told them that I thought I had a right to vote.

Q. Whereabouts were these polls ? What polls did you go to ?—A. On the south, I believe it was.

Q. Tell us what street if you know ?—A. I disremember the street.

Q. What way from where you lived was it ?—A. West.

Q. Away from the river ?—A. Yes, sir.

Q. On the same street ? On the first street north or the first street south ? What street was it on ? Did you go down towards the river or up ?—A. I went south.

Q. How far South did you go, to the first street or the next street to go to this pole on election day ? Did you say you went there ?—A. Yes, sir.

Q. Then which way did you go ?—A. South.

Q. After you got to the first street, did you go east or west to go to this poll, I mean ?—A. I went west.

Q. How far ?—A. That I don't know, sir.

Q. One block, or more than one block, or less than one block ? What I want to find out is whether you went to the right poll or not; that is what I'm trying to get at !—A. It was one block, I think.

Q. You went, then, south to the first street, and west one block, you think ?—A. Yes, sir.

Q. When you went there, did you get up to the window where they were putting in their ballots ?—A. Yes, sir.

Q. What did you tell them inside, those sitting inside ?—A. I told them I came to vote.

5 Q. What did they say to you ?—A. They looked on the record and said my name was not there, and told me to stand back. I told them that I had the right to vote because I was a citizen at the time ; they said I couldn't vote.

Q. Was there anything said to you or anybody else about your registering ?—A. There was not.

(Mr. Donovan, counsel for contestee, objects to that question and the answer because that has been the uniform question put to the witness, when it was evident that the gentleman came there to vote simply, and was informed that his name was not on the registration list and that he thereupon went away.)

Mr. POLLARD. What ticket did you propose to vote if you had been permitted to vote there that day ?—A. Republican ticket.

6 Cross-examination by Mr. DONOVAN, counsel for contestee.

Q. You have detailed everything that transpired there, which was to the effect that you went there and offered your ballot, the judges looked down the list, said your name was not on the list, and therefore you could not vote at that particular polling precinct ; that was what was done there ?—A. Yes, sir.

Signature waived.

7 CASPAR HENRY KRAEMER, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD :

Question. What is your name, sir ?—Answer. Caspar Henry Kraemer.

Q. Where do you live, Mr. Kraemer ?—A. On Thirteenth and Angelica, on the corner.

Q. That is on the corner, you say ?—A. Yes, sir.

Q. What side of Thirteenth is it on ?—A. South side ; south side of Angelica, but on west side of Thirteenth.

8 Q. How long have you lived there ?—A. It will be four years in this July.

Q. How long have you lived in Saint Louis ?—A. It is twelve years this spring.

Q. How old are you ?—A. Thirty-two years old.

Q. Did you come here before you were twenty-one years old ?—A.. Yes, sir.

Q. Have you ever registered in this city, Mr. Kraemer ?—A. Yes, sir, I have ; twice.

Q. Did you ever register since you lived at the place where you now live ?—A. Yes, sir ; when I moved there ; yes.

Q. When you moved there, you went and registered ?—A. Yes, sir.

Q. Have you ever voted since you lived at the same place ?—A. Yes, sir.

Q. Did you go to the polls on last election day, the second of last November, to vote ?—A. Yes, sir.

Q. Where were those polls ?—A. On Fifteenth and Bremen avenue.

9 Q. When you went there, did you find your name on the poll book ?—A. No ; I did not.

Q. Was it on the book which they had there, containing the names of those that had been stricken off?—A. No, sir; it was not there at all.

Q. Did you offer to vote there that day?—A. Yes, sir; and they took it.

Q. What did they do with it?—A. I don't know.

Q. Did you put your name on the back of your vote?—A. No, sir; somebody inside did.

Q. What makes you think some one inside did it?—A. I don't know.

Q. Did you see anybody write your name?—A. No, sir.

Q. Did you see it go into the ballot-box?—A. No, sir; a man had it in his hand, and I went away.

Q. What ticket did you vote?—A. Straight Republican ticket.
10 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When you registered the first time where did you live?—A. On Eighteenth and Garibaldi.

Q. How far is it from Thirteenth and Angelica?—A. It is only a few squares.

Q. It is in a different polling precinct?—A. Yes, it is; yes.

Q. After you had registered from your previous place of residence, did you go to the city hall and notify them of your removal?—A. Yes, sir; of course I went there to them. I told them I was moved.

Q. When did you do that?—A. I don't know, sir, exactly; but it was only a short time after I moved. I believe it was in September, and I moved four years ago this July. It was the September after I moved there.

Q. What did you say when you went to the city hall?—A. I don't know; I couldn't tell that.

Q. Were there many people there?—A. Yes, sir; there was a good many there.

11 Q. Was it just previous to the election?—A. I believe it was. Of course, it was before an election.

Q. What election was it just previous to?—A. That I couldn't tell; still there was a good many people there, so I believe it was right before an election, else there wouldn't have been so many people there.

Q. Was it just previous to the election four years ago, or was it just previous to this last election?—A. Four years ago.

Q. In what part of the city is Angelica street?—A. In the Sixteenth ward.

Q. In the western part of the city?—A. Yes, sir.

Q. Out in the suburbs?—A. They call it New Bremen; that is one of the suburbs.

Q. Is it in the city or in the suburbs?—A. It is in the city.

Q. Is it near the cemeteries to the north of the city?—A. It is in the city.

Q. Near the cemeteries?—A. Yes, sir.

12 Q. Well, then it is in the suburbs?—A. Yes, sir.

Q. Are there any numbers there on the houses?—A. No, sir; not on the house where I live.

Q. Are the residences scattered out there?—A. O, no.

Q. They are not built up in blocks?—A. No; not in blocks.

Q. Each house has got a garden about it?—A. Yes, sir; pretty near; not every one.

Q. But the majority of them have gardens?—A. Yes, sir.

Q. Are you a married man?—A. Yes; I am.

Q. How many people live at the same house with you?—A. There is three families living in there.

- Q. Is it a boarding-house?—A. No; not a boarding-house.
 Q. What sort of a house is it?—A. It's a two story brick house.
 Q. Do you live upstairs or down-stairs?—A. I live down-stairs.
 Q. What is your business?—A. I have not got any business. I am a laboring man. I work in the brick-yard.

13 Q. Were you at your house when the reviser went there?—A. No, sir; I was not at home.

- Q. You know he was there?—A. I found out he was there.
 Q. Who was talking to him when he came there?—A. I believe the man who owns the house. I can't tell for sure.
 Q. You don't know what he told him?—A. I don't.
 Q. Well, now, you did not obtain a transfer?—A. No; I did not.
 Q. That is the reason that you were not permitted to vote when you came to the polls and found your name off the list?—A. Yes, sir.

Signature waived.

14 A. W. KOEHLER, produced, sworn, and examined on the part of contestant, deposeth and saith.

By Mr. POLLARD:

- Question. What is your name?—Answer. A. W. Koehler.
 Q. Where do you live?—A. 3917 North Fourteenth.
 Q. How long have you lived there?—A. Since October.
 Q. How long have you lived in the city?—A. For over 10 years.
 Q. How old are you?—A. thirty years.
 Q. You came here before you were 21 years old?—A. Yes, sir.
 Q. Did you ever register at the city hall, Mr. Koehler?—A. Yes, sir;
 I did.
 Q. How long ago?—A. I think it was in '73 or '74; I don't recollect.
 Q. It was three or four years ago?—A. '73 or '74 I said, after I had taken out my first papers.

15 Q. Now you didn't get any transfer to 6917 after you moved there; did you?—A. No, sir.

Q. Now, did you go to the polls on election day, Mr. Koehler?—A. Yes, sir.

- Q. Where were these polls?—A. On Fifteenth and Bremen avenue.
 Q. Did you register at the polls?—A. Yes, sir.
 Q. Did you vote?—A. I voted.

Q. What did they do with your vote, do you know, Mr. Koehler?—A. Mr. Harrow took it; he was a supervisor.

Q. Did you put your name on the back of the ticket?—A. I believe I did.

- Q. What ticket did you vote?—A. I voted the Republican ticket, not straight, but I voted for Mr. Sessinghaus.

16 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You did not find your name on the list then when you went to the polling precinct?—A. No, sir.

Q. And the reason of that was that you had registered from two different places?—A. Yes, sir; I was registered in the first district, but my name was stricken out down there.

Q. How many miles were your residences apart?—A. Well, about 3 or 4 miles.

Q. They were, then, of course, not in the same voting precinct nor for that matter in the same Congressional district?—A. No, sir; I used to live in the first district before October.

- Q. Why did you neglect to transfer?—A. I moved down there, I be-

lieve, the 25th or 26th of October, and the registering office was closed about that time.

17 Q. You were not living in the polling precinct ten days prior to the election?—A. No, sir.

Q. And for that reason, under the law, of course, you could not vote because it required ten days' residence there, and it was for that reason that your name did not appear on the list?—A. Somebody told me that my name was stricken out down there. I know that I had moved up there and I had a right to vote.

Q. But you knew that you had not lived ten days in that polling precinct prior to the election, and the law required a residence of at least ten days?—A. I didn't know anything about that.

Signature waived.

18 JOHN MALONEY, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. John Maloney, sir.

Q. Where do you live?—A. 1317 North 8th.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. Whereabouts?—A. Between 6th and 7th, on O'Fallon, in the fourth ward.

Q. Did your father go with you to the polls, Mr. Maloney?—A. No, sir; not at that time; I didn't see my father then.

Q. Is your father's name William Maloney?—A. Yes, sir.

Q. Did he live with you?—A. Yes, sir.

Q. How long has he lived with you?—A. He has lived with me since before October, I think, in the commencement of October.

19 Q. Where did he live before that time?—A. He lived out in a place called Oak Hall Park, Russell place. I believe it is in the Twenty-sixth ward.

Q. It is in the city, is it?—A. It is in the city since the charter has been in effect.

Q. Did your father vote in the same precinct that you did?—A. I expect he did vote in the same precinct.

Q. Prior to that time he lived at Oak Hall?—A. He lived out in a place called Beckville.

Q. Is that in the city limits?—A. It is in the city since the scheme and charter went into operation.

Q. Was your father simply visiting at your house or was he living with you?—A. He was living with his daughter at that time, but he lives with me now, and I suppose he will live with me 20 till he dies. He came there in the commencement of October.

Q. Do you know whether he was registered in the city?—A. No, sir; he was not registered at that time, but he went to the city hall for to register. The registration was closed at that time, and he had to transfer his vote at the polls. He was told before that he could transfer at the polls.

Q. And he voted?—A. Yes, sir.

Q. Do you know who he voted for for Congress?—A. I can't tell you who he voted for.

Q. What are his politics?—A. He is a Democrat, of course.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. I suppose that the reviser took his name off from the list as 21 living at Beckville?—A. Yes, sir; I expect he did.

Q. And he registered at the polls?—A. Yes, sir.

Q. And voted there and you don't know who he voted for? Did he ever inform you for whom he voted?—A. He just told me that he voted there.

Signature waived.

22 JOHN CUSHION, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. John Cushion.

Q. Where do you live?—A. Eighteenth, street between O'Fallon and Cass avenue.

Q. What is the number of your house?—A. 1413, but I didn't get that number myself; they gave me the wrong number; they gave me 1417.

Q. Well, where do you live, 1417 or 1413?—A. I live at 1413 North Eighteenth.

Q. How many men lived in that house on last election day?—A. I can't tell you.

Q. Well, was there more than one?—A. I don't know.

Q. Don't you know whether anybody else besides you lived in that house on that day?—A. I know, but I don't know for whom they voted.

Q. I didn't ask you whom they voted for; I asked you how many men were in that house?—A. Well, Mr. Greany, he belongs to the property; his father is deaf.

Q. Anybody else?—A. There's another man, named Jim Cahill; then there is two men in the one house, father-in-law and son-in-law.

Q. Were there two men living there named Toomey?—A. No, sir; only one; it's Greany's father-in-law.

Q. Mr. Cushion, how long have you known Mr. Toomey?—A. I have lived in the house, I believe it is four or five years in that yard.

Q. My question is, how long have you known Mr. Toomey?—A. I have known him these 12 or 13 years.

Q. How old a man is he?—A. I couldn't tell you; he is pretty old; he is strong and stout.

24 Q. Has he got a son of the same name?—A. No; he aint got any son of the same name; no one of the same name but himself.

Q. He has got a son?—A. No, sir; he aint got no son.

Q. Does Mr. Toomey live in the front or in the rear up there?—A. I don't know, he always stays in the house; if he gets a day's work on the street he does the work. He lives in the front there.

Q. Is his wife alive?—A. His wife isn't alive. He stays with his daughter and his son-in-law.

Q. What is his son-in-law's name?—A. His name is Pat Greany; I guess you have his name there too. I saw the two going there to vote, they were talking together in the yard.

Q. Do you know how many Toomeys live in that neighborhood?—A. I couldn't tell. I don't know any other Toomey but that man.

25 Q. There may be another one there but not to your knowledge?—A. Not anywhere I know of, not on 18th street.

Cross-examination waived.

Signature waived.

26 DINKEY HOWARD, produced, sworn and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD:

Question. What is your name ?—Answer. Dinkey Howard.

Q. Where do you live ?—A. I live on Harrison and O'Fallon avenues, between 3d and 4th streets.

Q. In the rear ?—A. In Lowell.

Q. How long have you lived there ?—A. I have lived there about 5 years in that place.

Q. In the same place ?—A. In the same place, yes, sir.

Q. How old are you ?—A. I will be 24 years old on the 12th day of March.

Q. You are a colored man ?—A. Yes, sir.

Q. Born and raised in the United States ?—A. Yes, sir.

Q. Did you ever vote in the city of Saint Louis ?—A. Yes, sir.

Q. Did you ever vote since you lived at the place where you now live ?—A. No, sir. I never voted before. This makes the second time.

Q. Did you ever vote before this last November election ?—

27 A. No, sir; I never voted since this Sessinghaus got in ; I voted once before that.

Q. You did vote once before that ?—A. Yes, sir.

Q. How long ago was that last time that you did vote ?—A. Two years ago.

Q. You were then living at the same place ?—A. Yes, sir.

Q. Were you registered at the same place at the city hall ?—A. Yes, sir.

Q. Did you go to the polls on last election day ?—A. Yes, sir; to the polls at the Four Mile House at Mr. Hober's.

Q. Did you find your name on the poll-books ?—A. They said it was not on there, but they took me inside and had me swear there; you know Mr. Louis Nolte; he was there for a witness, but how they made the mistake I couldn't tell.

Q. They took you inside and swore you ?—A. Yes, sir; and 28 after that I offered to vote.

Q. What ticket did you offer to vote ?—A. I offered to vote for Sessinghaus, straight Republican ticket right through.

Q. What did they do with your vote when they got it ?—A. He made me sign my name on the ticket, but I don't know what they done afterwards with it.

Q. You didn't see it go into the box ?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you write, Mr. Howard ?—A. Yes, sir; I can write a little, but big words I can't get over.

Q. What was at the head of your ticket ?—A. What was at the head of my ticket ? I can't tell you now.

Q. Who gave you that ticket ?—A. A colored man gave me my 29 ticket.

Q. Did he tell you what it was ?—A. Yes, sir; it was for Mr. Sessinghaus, and I know it was for Mr. Sessinghaus, because I can read his name.

Q. His name was at the head of the ticket ?—A. It was at the head.

Q. At the head ?—A. Yes, sir.

Q. Could you read any other name on the ticket ?—A. Yes, sir; there was a whole lot of names on the ticket.

Q. What other names were on the ticket ?—A. I couldn't tell you now,

ause it has been so long since I seen the ticket, I couldn't give you raight account of it.

Q. Whose name was on the ticket for President?—A. I was voting Sessinghaus for President.

Q. Whose name was on it for President?—A. This man that I am talking about; this man that I am telling you about; I am telling you about him.

Q. Can't you tell me whose name was on the ticket for President?—I was voting for Sessinghaus; I didn't look for no President. I looking for Mr. Sessinghaus, that was the man I was looking for.

Q. He was running for constable?—A. Well, that was the man; I working for him.

Q. But he was running for governor of the State, wasn't he?—A. sir.

Q. Now, where do you live, between Harrison and O'Fallon, or 3rd & 4th streets?—A. I was born and raised on Grand avenue and Belle-taine road, at Mr. Lawyer Allen's place.

Q. What is Mr. Allen's first name?—A. It is Beverly Allen. He is d now.

Q. When you registered from there where did you vote?—A. I voted—I never voted when I lived there. I moved up in Lowell; that time I registered in the city, when I went north. I never ed at that time, because I didn't know anything about it until I the white people and went to Lowell, and got so I had to work myself, and they told me what I had ought to do when I was old ough. I wasn't old enough when I was living with Mr. Allen; so when moved up to Lowell, then I got to voting—then I got registered first ever voted when I lived at Allen's.

Q. You didn't vote in the same polling precinct that you voted in the t time, then?—A. Yes, sir; I did. I voted in the same place.

Q. Do you know the lines of that polling precinct?—A. I can't tell i that because that's more than I know.

Q. Then you couldn't be certain that you applied at the proper polling precinct to which you properly belonged?—A. Well, I know I applied in the right place, because I had men that showed how to go and vote there; Mr. Louis Nolte, for one.

Q. Are you married or single?—A. No, sir; I'm single. I works my grandmother; my father and mother is dead.

Q. Well, you work around and live around?—A. No, sir; I work, I don't work around or live around.

Q. Well, you live at different places?—A. Yes, sir.

Q. And have during the past five years?—A. I have been working r since I left Mr. Beverly Allen's place; my mother has got a home her own, and I live at home. I don't live around. I help her.

Q. When were you first registered, where were you registered from? —A. I was living in Lowell.

Q. I know, but whereabouts in Lowell?—A. At the same place Harrison and O'Fallon, between Third and Fourth.

Q. Front or rear?—A. It was on the street.

Q. Is there a garden?—A. No, sir; the house on the street, on the blic street.

Q. How many people live in the same house?—A. My grandmother, brother, my sister, and myself; that is all.

Q. There is no number on the house?—A. No, sir.

Q. Were you there when the reviser came around?—A. Yes, sir.
Mr. DONOVAN. I have here, for the 25th time, to make complaint of

the conduct of the counsel for the contestant in interfering with my cross-examination of the witness, he endeavoring to dictate to the witness what to say.

(Mr. Pollard, counsel for contestant, here says, that the coun-
sel for contestee habitually, and on a great many occasions, has
endeavored, by adroit means, to mislead and entrap a witness
and to deceive him, and counsel for contestant considers it his duty not
to permit the witness to be deceived into telling what is not in his mind
to tell.

Mr. Donovan, counsel for contestee, now submits that he has asked
none but very simple questions of this witness, the very last one being,
was the witness present when the reviser visited his house, and coun-
sel for contestee again calls for an answer.)

A. Yes, sir.

Q. What did you say to the reviser?

WITNESS. What is a reviser?

COUNSEL. The reviser was an officer appointed by the mayor to as-
certain who were, and who were not, legal voters in the precinct.
35 Now did you meet with that gentleman or any gentleman when
he visited your house?

By Mr. POLLARD:

Q. Before the election?—A. No, sir; he never came there.

By Mr. DONOVAN:

Q. Then you didn't see him?—A. No, sir; he didn't come.

Q. Were you there all the time?—A. No, sir; I was not there all
the time, but the folks would have told me.

Q. Where were you when he came?—A. I was working.

Q. Working where?—A. I was not there when he came, and I didn't
see him.

Signature waived.

36 GEORGE H. GRIGER, produced, sworn, and examined on the
part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. George H. Griger.

Q. Where do you live?—A. I live on Sullivan avenue, between Glas-
gow and Elliott avenue.

Q. Is there any number on your house?—A. No, sir.

Q. How long have you lived there?—A. I went there, I think—I
moved there the second day of May or the 2d day of June.

Q. Last summer?—A. Yes, sir.

Q. How long have you lived in Saint Louis?—A. I have been here
off and on since the latter part of 1863.

Q. How long have you lived here steadily this last time?—A. Since
1874, I believe.

37 Q. Then you have lived here continuously from about that
time?—A. Yes, sir.

Q. You are a colored man?—A. Yes, sir.

Q. And you were born and raised in the United States?—A. I was
born in New York.

Q. How old are you?—A. I was born in 1830, 23d day of Septem-
ber.

Q. Did you ever register at the city hall, Mr. Griger?—A. Yes, sir.

Q. Where were you then living?—A. I lived on Morgan street, be-
tween 10th and 11th, in the alley.

Q. Did you ever get a transfer since you are out on Sullivan, between Glasgow and Elliott?—A. Yes, sir.

Q. When did you get that transfer?—A. A week or 10 or 11 days before this last election.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. Where were those polls?—A. Corner of Jefferson and Elliott venue, in Deidrich's grocery store.

Q. Did you find your name on poll-book when you went there?—A. es, sir.

Q. Your name was on the poll-book?—A. Yes, sir; but not spelled the ay I spell it.

Q. How was it spelled?—It was Greger; G-r-e-g-e-r.

Q. Did you vote?—A. Yes, sir.

Q. What did they do with your ballot?—A. That is more than I now, but they took it; I don't know whether they put it in the box r not; I didn't see it go into the box.

Q. Was there any objection to your voting there on account 9 of your name being misspelled?—A. Yes, sir; they said to me they would arrest me; the police told me that; and I said they ad better not attack me now, because I had a right to vote there and I ad raised no fuss.

Q. They took your vote, but what they did with it you don't know?—A. No, sir.

Q. What ticket did you vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you read?—A. Yes, sir; anything in English.

Q. You called at the poll on Jefferson avenue and Elliott and handed in your ballot as you say?—A. Yes, sir.

Q. And they didn't find your name?—A. I said Saint Louis and Elliott; at least, I meant to say Saint Louis and Elliott, it was n the corner of Saint Louis avenue and Elliott avenue in Deidrich's rocery store.

Q. You say you had registered from Morgan street previously?—A. es, sir.

Q. How far is that from where you lived on election day?—A. Well, bout a block and a half; I guess it aint over that; the next street is—ell, what is that next street? That adjoining next street—

Q. Well, that is out near Lindell Park?—A. Yes, sir; I can't call the ame of the street, it's a funny name, it's a new street and they have ist finished it.

Q. Is not Morgan street several miles from Sullivan avenue?—A. o, sir; it is not.

Q. Doesn't it run right down through the heart of the city—1 Morgan street?—A. Yes, sir; but it aint no seven miles, I don't think it is over a couple of miles; I believe they call it two miles om the court house to the fair grounds, and I don't live only 4 blocks rom the fair grounds.

Q. What is the reason that you don't answer me such a simple ques-on, you being such a bright man?—A. Well, it aint no seven miles, I ell you that; the place where I voted was only a block and a half from here I live; from Diedrich's to where I live.

Q. Well, you did register from Morgan street?—A. Yes, sir.

Q. And that is not in the same voting precinct that Sullivan ave-ue is in?—A. No, sir; it aint. The first time I registered was

42 somewhere about there and the second time was 17th and Gay alley.

Q. Well, Gay alley is only a short distance from Morgan street?—A. Well, I know that.

Q. Well, it is only about a block?—A. It is all of that.

Q. When you moved to Gay alley you notified the officers at the city hall of your removal?—A. When I notified them on 17th and Cass avenue—that is a considerable distance from there.

Q. You misunderstand me.—A. I told you I was transferred from there to Sullivan.

Q. From where?—A. From where I'm living now, from Morgan street, I was living on before, 17th and Cass avenue, and I couldn't vote there because I had done moved.

43 Q. If I understand you right you moved from Morgan to Gay street?—A. Yes, sir.

Q. And from Gay street to Cass avenue?—A. Yes, sir.

Q. And from 17th and Cass avenue to Sullivan avenue, is that right or wrong?—A. That is right.

Q. Now did you transfer from Morgan street to Gay?—A. Yes, sir.

Q. Did you transfer to 17th and Cass avenue?—A. No, sir; there was no election then.

Q. Did you transfer from 17th and Cass avenue to Sullivan avenue?—A. Yes, sir; after I moved I transferred.

44 Q. In making this transfer whom did you see and what did you say?—A. I was called to the city hall there, and they wanted to know where I lived before and I said to him, I lived at 17th Gay street; they wanted to know where I was living then, and I said I was living on 17th and Cass avenue; then they wanted to know where to, I said then Sullivan avenue between Glasgow and Elliott avenue.

Q. Are there no numbers on the houses on Sullivan avenue?—A. Not on my house.

Q. Is it not a sparsely settled district?—A. Only three houses where I live, and a man named Moody; he has one of them.

Q. White or colored?—A. White. I live in the middle house.

45 Q. Well, you gave the wrong name in the city hall?—A. No, sir; I know I went to the city hall, and it was there the same as it was the last time I transferred.

Q. How do you account for the difference on the poll-book?—A. I don't know about that; they must have changed it.

Q. But your name was at the city hall, but was not on the book at that precinct?—A. No, sir; not the way I spelled it it wa'n't; but they allowed me to vote on that name, because there was no other man living there in that same house.

Q. And you voted?—A. Yes, sir.

Signature waived.

46 FRED. STOCKHO, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Fred. Stockho.

Q. Where do you live?—A. 1426 Dodier street.

Q. How long have you lived there?—A. It is about 5 years; exactly I couldn't tell.

Q. How old are you?—A. I was 23 the 7th of January.

Q. Did you ever register at the city hall, Mr. Stockho?—A. Yes, sir.

Q. When?—A. Exactly I couldn't say; I think it was in August.

Q. Just before the last election ?—A. Yes, sir.

Q. Did you ever register before at the city hall ?—A. No, sir.

47 Q. Were you then living at 1426 Dodier ?—A. Yes, sir.

Q. Did you go to the polls on election day ?—A. I did, sir.

Q. Where were those polls ?—A. They were on 16th, between Dodier and Sullivan avenue.

Q. Was your name on the poll-book when you got there ?—A. I really couldn't say; I didn't look over it, I think though, since I think about it, they found it stricken off.

Q. Did you vote ?—A. I handed in my vote, which was rejected.

Q. Did they hand it back to you ?—A. They give it back to me. They told me to come in and register there. I went into the place and

48 De Jonge was registering there, but when I got in there they told me that parties who had been stricken off could not be registered.

Q. Then you didn't register ?—A. No; he said he knew his business. He was about to register me, but they looked over the books, and then they found a law there, stating if a party's name was stricken off the list, they couldn't be registered. I was in a hurry, and I left. I went there at noon, after reading the notice in the paper that if a vote was refused and rejected I could hand my vote to the supervisor, and he would put it on file under protest; when I got there I inquired of a gentleman who had been there, and who I saw in the morning—I thought he would know something about it—I inquired of this gentleman for a reviser; he said there was none; they said he had gone to dinner.

49 Q. You mean supervisor ?—A. Yes; that's what I mean.

Q. What did you do then ?—A. I went away.

Q. Then you didn't vote at all ?—A. No, sir.

Q. What ticket was it that you passed in, in the morning ?—A. The straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Are you a married man, Mr. Stockho ?—A. No, sir; I am single.

Q. Did you live with your family ?—A. I live with my mother.

Q. Were you present when the reviser came to your house ?—A. No, sir; I was not.

Q. Have you been off and on in the city, or here all the time ?
50 —A. I have been here in the city all the time.

Q. You were not at the house when the reviser came ?—A. No, sir.

Q. Mr. De Jonge was the registrar at that poll ?—A. Yes, sir.

Q. He is a strong Republican, is he not ?—A. I don't know whether he is Republican or Democrat; I couldn't say. I know him only through business transactions.

Q. But do you know his politics ?—A. I do not.

Q. Well, he is generally reputed to be an active Republican ?—A. I couldn't say.

Q. And he takes an interest in all elections ?—A. Well, I don't know anything further, except through business transactions. I don't know whether he is Republican or a Democrat.

51 Q. He didn't register you ?—A. No, sir; he did not.

Signature waived.

52 JOHN ROGERS, produced, sworn, and examined on the part
of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name ?—Answer. John Rogers.

Q. Where do you live?—A. 1122 North Eighth, in the rear.

Q. How long have you lived there?—A. Eight years.

Q. How old are you?—A. I'll be forty-one years old on the 26th of next November.

Q. You are a colored man?—A. Yes, sir.

Q. You were born and raised in the United States, and have always lived here?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. Yes.

Q. Where were you living then?—A. At the same place.

Q. Did you ever vote since you have been living at that place?—A. I did, sir.

Q. Did you go to the polls on last election day?—A. No, sir.

Q. You didn't go to the polls?—A. Yes, sir; but it was too late; after the office got closed.

Q. I mean the place where you voted?—A. I mean the register office; I was away three or four days before the election, and when I got back a friend of mine asked me had I registered, and he asked me if I wanted to put in my vote, and I says yes; he says, "Come on up and let us go and register."

Q. Was that at the city hall, a big hall up there?—A. Yes, sir.

Q. What did you do there?—A. Well, I went up to the registering place to see if he would register and swear my vote in and let me vote afterwards.

Q. Now, was this after you went there to the city hall on election day or before?—A. It was the day of election that I went there.

Q. What did you do there at the city hall?—A. They asked me if I had been registered, and I told them I had, and they said my name couldn't be found because I had been absent.

Q. Did you go to the polls where they voted?—A. I went to the registering place to get registered but they couldn't find my name, and I said it was all right, and I went away.

Q. You didn't go to the polls that day?—A. No, sir.

Q. What are your politics?—A. Republican, sir.

Q. You intended if you could have voted, to have voted the straight Republican ticket.—A. Yes, sir.

Cross-examination waived.

Signature waived.

56 F. W. GODEJOHANN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. F. W. Godejohann.

Q. Will you please write your name on a card and hand it to the notary?—A. The witness writes his name, F. W. Godejohann, on a card and hands the same to the notary.

Q. Where do you live?—A. 1637 Sullivan avenue.

Q. How long have you lived there?—A. Since July.

Q. How long have you lived in the city of Saint Louis?—A. Four years and a half.

Q. How long have you lived in this country?—A. Since 1848.

Q. How old are you?—A. Last fall I was 60 years old.

Q. Did you ever take out your papers, your naturalization 57 papers?—A. Yes, sir.

Q. Did you ever register, Mr. Godejohann at the city hall?—A. No, sir.

Q. You never did register at the city hall?—A. No, sir; the trouble

is I don't get time; I am a working man; you can see that by my hands.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. Did you register at the polls?—A. They said I was not. They said I should go to the city hall.

Q. That is the reason that you didn't vote at the polls?—A. They said I had to register at the city hall, and they wouldn't take my ticket.

Q. Then you never registered in the city hall?—A. No, sir; in 58 former years I was not living here, I was living in Franklin County.

Q. What did you do when you went to the polls on last election day?—A. I went to the polls towards evening and give my vote; I took Mr. Timmermann and he gave me a ticket and said it was Republican. I give the ticket to the clerk under protest.

Q. When you went to the polls did you or did you not offer to be sworn in and registered?—A. Yes, sir; but they wouldn't accept of it.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Did you offer to vote or register, which?—A. Yes, sir; they put me the question whether I had been registered, and I said no.

59 Q. And then you simply offered to vote?—A. Yes, sir.

Q. You offered to vote and that was all?—A. Yes, sir; they wouldn't accept me, and I went away.

By Mr. POLLARD:

Q. What did they do with your ticket when they took it?—A. Somebody took it and give it to the clerk in his hands, and he says, "Mr. Godejohann give a ticket under protest"; that is all that I know.

By Mr. DONOVAN:

Q. Can you read?—A. German.

Q. Can you read English?—A. Not much.

Q. Can you read any English?—A. No.

Q. How, then, did you know whose names were on your ticket? 60 For whom did you vote for President?—A. Garfield.

Q. And for whom for governor of the State?—A. I have forgotten that; I don't know the name; there are so many on it.

Q. Who did you vote for for circuit judge?—A. I voted the entire Republican ticket; I selected that and voted it.

Q. Who gave it to you?—A. Mr. Timmermann.

Q. You trusted to him that it was a Republican ticket?—A. Yes, sir.

Q. Was it a Chronicle ticket?—A. It was a straight Republican ticket.

Q. Well, you did not offer to register, you simply offered to vote there?—A. Only to vote. Then they refused it at once because I was not registered.

61 * By Mr. POLLARD:

Q. Where did you go to vote?—A. It was the right precinct; 148, I think.

By Mr. DONOVAN:

Q. What are you reading there?—A. I have a memorandum here that I made, so that I could answer the question.

Q. Did you make that, or somebody else?—A. I wrote that myself.

Q. Who told you that that was the right precinct?—A. Mr. Marquard.

Q. Who is he?—A. Grocery store, Brooklyn and 9th.

Q. When did you meet him?—A. This morning.

Q. Do you know whether or not he knows the lines of your voting precinct?—A. I should think so.

62 Q. You just took the number he gave you?—A. Yes, sir. I also asked the people who lived in the same neighborhood with me, and also asked Mr. Marquard.

Q. Why did you take such an interest in it to ascertain the number of your voting precinct?—A. Nobody told me to do that; I did it of my own account.

Q. Although you did not know that you were going to be asked any such question?—A. No, sir. I put these things down in case I should be asked this question.

Signature waived.

63 TIMOTHY MAXEY, produced, sworn, and examined on the part of the contestent, deposeth and saith:

By Mr. POLLARD:

Question. What's your name?—Answer. Timothy Maxey.

Q. Where do you live?—A. In the Ashley building.

Q. Where is the Ashley building?—A. On Broadway, between O'Fallon and Ashley streets.

Q. How long have you lived there?—A. Six years.

Q. How long have you lived in the city?—A. Very near nine years.

Q. Were you born in the United States?—A. No, sir.

Q. How long have you lived in this country?—A. Since 1867.

Q. How old are you?—A. About forty-four; somewhere about there.

64 Q. Have you ever been naturalized; did you take out your papers?—A. Yes, sir.

Q. Did you ever register, Mr. Maxey, at the city hall?—A. I did, sir.

Q. How long ago?—A. In the fall of 1874.

Q. Were you then living in the Ashley building?—A. No, sir.

Q. Have you ever registered since you lived in the Ashley building?—A. I give notice of change of residence at the city hall.

Q. Did you get what is called a transfer?—A. Yes; I saw my name transferred on the books. I am satisfied of that.

65 Q. Did you go to the polls on election day?—A. I was at most every election since I'm out there.

Q. Have you voted since you lived at the Ashley building?—A. Yes, sir.

Q. Where did you go to the polls on last election day?—A. On the corner of Broadway and Biddle street.

Q. Was your name on the poll-books there at the polls?—A. No, sir.

Q. Was it on the list which they called the stricken list—the scratched-off list?—A. All that I can say about that is, I offered my ticket; they looked on their books and they told me that they hadn't my name.

Q. And you went away?—A. I did.

66 Q. You didn't vote there or anywhere else?—A. No, sir.

Q. What ticket did you offer to vote, Mr. Maxey?—A. Republican ticket.

Q. And it was not accepted?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Was it a Chronicle ticket?—A. No, sir; it was not.

Q. Are you a married man?—A. Yes, sir.

Q. How many people live in the Ashley building?—A. Really I don't know, sir; it is not my business to hold a registry of them—to keep an account of them.

Q. How many people live there?—A. I couldn't say, sir.

67 Q. Is there one or a hundred?—A. I am sure there's more than one.

Q. Is there a hundred?—A. I don't know.

Q. It is a tenement house, isn't it?—A. I believe so.

Q. There is a great number of families living there?—A. Large or small, I don't know what the number is.

Q. Can you not approximate to it?—A. No, sir; I have never applied myself to count them.

Q. Can't you give a reasonable guess as to the number of people living in the same building with yourself?—A. I cannot; I might be over or under 50 persons; therefore I won't volunteer a count of them one way or the other.

68 Q. I aint asking you for your exact knowledge; I am asking you to give a reasonable guess as to the number of people residing in the same house with yourself?—A. Well, I will venture to say they are at least 150 people.

Signature waived.

69 CHARLES H. BLANCK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Charles H. Blanck.

Q. Where do you live, Mr. Blanck?—A. On Twentieth and Salisbury.

Q. On the corner?—A. Well, yes; it is only one house there.

Q. You were a judge of election last November?—A. No, sir; I was not.

Q. Were you there about the polls at precinct 148?—A. The whole day.

Q. You were there the whole day, were you?—A. Yes, sir; the whole day.

Q. Do you know what is the official count of the votes received there and promulgated by the officers at the poll on the evening of election day.

(Mr. Donovan, counsel for contestee, objects to the question
70 because the record is the best evidence of that fact.)

Question withdrawn.)

By Mr. POLLARD:

Q. Do you know the number of votes polled for Sessinghaus, as promulgated by the officer that evening there?—A. I do, sir.

Q. How many?—A. 149—one hundred and forty-nine.

Q. Do you know the number for Mr. Frost?—A. Yes, sir.

Q. Now many?—A. 52—fifty-two.

Q. Do you know whether there were any rejected ballots there, Mr. Blanck?—A. Yes, sir.

Q. Do you know how many?—A. Well, I can't say; about—

(Mr. Donovan, counsel for the contestee, objects to the gentle-

71 man answering the question because he was neither a judge or clerk of election.)

By Mr. POLLARD:

Q. About how many?—A. I was appointed in the evening to be present when they counted the votes.

Q. About how many, is the question?—A. Well, there are 12 or 14, sure.

Q. Did you see these ballots that were rejected?—A. Yes, sir.

Q. Who were they for for Congress?—A. They wouldn't reject any Democrats there; they were all Republicans, for Sessinghaus for Congress.

(Mr. Donovan, counsel for contestee, objects to the question and answer for the reason that the witness doesn't state whether they were properly or improperly rejected, or what were the qualifications of the parties that voted the ballots.)

By Mr. POLLARD:

Q. Do you know who the registrar was there that day?—A. Yes, sir.

Q. What is his name?—A. Williams.

Q. Is he a Democrat or a Republican?—A. Democrat; I don't know what else he is.

Q. Do you know what his action was during the day as to registering men who applied to him for registration?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to the question and answer, unless the witness will first state that he was present when the register took action on ballots presented.)

A. So I did.

73 By Mr. POLLARD:

Q. So you were, you mean?—A. Yes, sir.

Q. Now what was this action?—A. He registered Democrats when they were registered already, and he refused to register Republicans when they applied for registration.

Q. Was that his action in more than one instance that day?—A. The whole day, just as soon as he had any chance.

Q. Did you see any Chronicle tickets that day that were cast by voters?—A. No, sir; I seen them outside.

Q. I mean were they—were passed inside.—A. No, sir.

74 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What is your business, Mr. Blanck?—A. I am clerking.

Q. With whom?—A. Well, at the present time, with nobody.

Q. Who were you clerking for on election day?—A. I didn't work that day.

Q. Why don't you answer me, who were you clerking for on election day?—A. I wasn't clerking that day.

Q. In whose employ were you on election day?—A. In nobody's.

Q. Did you work the day before or the day after election?—A. I did not.

Q. How long previous to election day were you employed as clerk?—A. What do you mean by previous.

75 Q. Before.—A. Well I worked for a man until fair time, then I took a booth at my own risk.

Q. Can't you tell me who you were working for?—A. For Mr. Brinker, living on Twentieth and Salisbury streets. I clerked for Mr. Mohrinan, on Sixteenth and Dodier, and for Mr. Timmerman, on Sixteenth street, and —.

Q. Were you ever a clerk for Mr. Sessinghaus?—A. No, never was.

Q. You know him well?—A. I do know him.

Q. You are a great friend of his?—A. I have had a great many sacks of flour from his, called "S S S S."

Q. Did he present you with any before or after the election?—A. No, I guess not; I am not the kind to be presented with flour by Mr. 76 Sessinghaus. Mr. Sessinghaus is not the kind of man to make presents; he charges good prices for his flour.

Q. Were you paid for your work on election day?—A. What work do you mean?

Q. Electioneering.—A. I was not electioneering.

Q. You staid at the polls all the day?—A. I was put out to see that all was going on well; I didn't do that particularly for Mr. Sessinghaus, but as a citizen.

Q. How many Republican judges were there at that poll?—A. Mr. Reipschlaeger.

Q. He is an intelligent Republican?—A. I haven't asked him what he was.

Q. He is just as well able to take charge of that poll as you 77 are?—A. Yes, sir, and he done so; but only for me, and he wouldn't have got no vote on the Republican side.

Q. That is your opinion as a partisan?—A. I seen it.

Q. How far from the polls did you stand that day?—A. I kept myself pretty close to the registering office there, and saw what was going on.

Q. Did you stand 150 feet away from the polls?—A. No, sir.

Q. Isn't there a law that requires you to stand away from the polls?—A. Well, there was a United States deputy marshal and a policeman there, but they never told me that I should stay away.

Q. Were you in the room where the judges are?—A. In the 78 evening when they counted the votes.

Q. And that is all?—A. The whole day I was outside.

Q. Then you were not in the room where this registrar was acting?—A. He registered them right there; he was sitting at the window, and the table was standing outside of the window.

Q. The judge stood at the window, and the registrar was at the table inside?—A. The registrar was sitting at the window inside, not the judge.

Q. What was the judge's place?—A. There was two windows, one for the registrar and one for the judge.

Q. Which window did you stand at?—A. As soon as they 79 were registering I went on to the other window to see whether they would take all the votes, to see whether they would register those whom I knew to be legal voters; they told them that he should take the vote under protest, and so he did.

Q. Then they did vote under protest?—A. That is, Republicans did.

Q. Their ballots went in?—A. Their ballots did not go in; they have never been counted; they have been placed in the envelope for rejected ballots.

Q. They were refused by the judges inside?—A. They were received by the supervisor.

Q. Will you give me the names of those fourteen?—A. I can't swear to all of them, sir.

80 Q. Well, mention all that you know?—A. Charles Johannig Meyer, the German gentleman that just went out; I don't know how he spells his name.

Q. How does he pronounce it?—A. I guess this gentleman has got it down (referring to the notary).

Q. Give me the names, now, you seem to be so familiar with this subject?—A. Another man on Locust street; his name was Meyer; then there was old Mr. Koboldt, called old Henry Koboldt; he has been living for many, many years on Dodier street.

Q. Go on now and give us the names of those whom you know?—A. I can give you every one.

81 Q. Can you think of any more now?—A. I have given you the names of some, but I haven't made any preparation, you know, for this.

Q. Why do you come here and state there were 14 that you know had been rejected, and had been placed in an envelope there, whom you knew to be properly qualified voters, and you don't even know their names?—A. I know their names, perhaps, if I should hear them, but I have seen them counted in the evening. I objected to it, that they should not be put in the rejected envelope, and yet they had to put them in there, and so they was not counted.

82 Q. Did you ever visit the house of any one of those fourteen?—A. No, sir; I did not.

Q. You never was at the house of any single one of them, but you have seen them moving around and living in that part of the city?—A. I know most of them. I have visited them during my business time.

Q. It doesn't matter when. Did you ever visit their houses?—A. Well, I guess I did, on business.

Q. Whom?—A. I visited Mr. Meyer's house—Mr. Johannig Meyer—Mr. Koboldt.

Q. Anybody else?—A. Some others, I suppose; that is old Mr. Koboldt's house.

Q. Those men were on the stand and testified for themselves, did they not?—A. Yes, sir; but he was refused registration at the polls.

83 Q. Now, you think the judges at that poll acted unfairly?—A. Oh, no, sir; I have nothing to say of the judges; I am only stating what I have seen with my own eyes.

Q. Do you think they acted fairly or unfairly?—A. As far as Mr. Reipschlaeger is concerned, he done all he could do to have it fair and square, but I think that Mr. Israel, as the deputy marshal, and Mr. Williams, they had things in their own hands, had things their own way—wanted to run it their own way.

Q. Do you think the judges at the poll acted fairly or unfairly?—A. Yes, sir; if they give 149 votes for the Republican side, and 52 on the other side, I think they have; but, as far as the protested votes are concerned—well, they have not done right about that.

Q. But as far as the count is concerned, you deem it perfectly fair and square?—A. That is, 149 for Sessinghaus, and 52 for Frost; yes, sir.

Q. But you think it was a great outrage that Mr. Frost shoule receive 52 votes at that poll?—A. I never heard anything about that; I don't think it was a great outrage.

Q. You think it was a great outrage that he received 52 votes in that precinct?—A. No, sir.

Q. Then the judges acted fairly there?—A. I say, as long as Mr. Sessinghaus received 149 votes, yes..

85 Q. As long as Mr. Sessinghaus got the majority at the poll you thought it was perfectly square?—A. No, sir.

You don't think it was fair that Mr. Sessinghaus got 149?—A. No,

Did they count it fair and square?—A. No, sir; the protested s wasn't counted; the Democratic votes there was counted, but the ublican votes were put in the rejected envelope; I don't think that fair and square.

You don't think it was fair and square to give those rejected votes ie supervisor?—A. I am not speaking about the supervisor now. I am speaking of putting them in the rejected envelope.

Q. You state that those votes were put into the rejected envelope, and handed to the supervisor; now, don't you think that fair?—A. I haven't made any such remark.

What was not fair?—A. I said that afterwards, in the evening, n the supervisor had those votes under protest, that they ought to e counted and put them in; that they ought to have given them to main supervisor appointed by the United States, but instead of that put them in the rejected envelope and put them in the ballot-box, esequently they were not counted.

Q. Those men were disposed to be unfair, those Democratic judges who had invited you into the room to supervise their count, you being an active partisan at that poll all the day in the rest of the Republican party?—A. I was not working for any party.

Oh, you were working for the Democratic party that day?—A. I e never told a man how he should vote.

What were you doing at the polls that day?—A. I was watching a fellows in there because they had no very good reputations.

And so they invited you into the room to supervise their official count?—A. I was, sir, in the evening called in, as it is the rule of all parties, that a man shall be put there, from each party, and overlook and see everything is all right.

Were you an officer at the polls?—A. I was elected in the evening.

What time in the evening?—A. As soon as the poll was closed.

Elected to do what?—A. To look over and see everything was and square at the count.

Is there any provision in the law which allows any outsider to e in in the evening and supervise the count?—A. As far as the es understand it that is the way to do. I don't know whether there ty provision of that kind in the law.

Q. Don't you know that there is not; that there was a regular supervisor there?—A. There were two.

Q. They were outside?—A. Yes, sir; during the day.

Well, you had a good deal to say at that poll that day?—A. If I anything wrong, I did.

You shot your mouth off at every convenient opportunity?—A. I, I don't know; I got a pretty good mouth. I didn't shoot it off e that day.

But you talked a heap that day?—A. Not as much as you have ed already.

My question is whether you didn't talk that day?—A. You can, gine as much from what I have already said.

You spent your day there taking charge of the interest of the ublican party?—A. Or of any other party in the interest of elec- tion.

Q. Do I understand you to say that you acted there for the Democratic party as well?—A. If I would have seen anything ng I would have spoken just as well.

Q. Oh, now I understand; you were one of those "solar walk and upper-air patriots?"—A. Will you please explain that to me?

Question read and explained.—A. Yes, sir; I am.

Signature waived.

91 ISAAC POWELL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Isaac Powell.

Q. Where do you live, Powell?—A. 1114 North Eleventh, in the rear.

Q. How long have you lived there?—A. A year.

Q. One year?—A. Yes, sir.

Q. How long have you lived in the city?—A. Been here five years, sir.

Q. How old are you?—A. Twenty-nine years.

Q. You are a colored man?—A. Yes, sir.

Q. You were born in this country and have always been here?—A. No, sir; not always here.

Q. You have always lived in the United States?—A. Oh, yes, sir.

92 Q. Did you ever register at the city hall?—A. No, sir.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. Whereabouts?—A. On Carr and Eleventh streets.

Q. On the corner?—A. Yes, sir.

Q. Which side of Eleventh was it?—A. The northern—the south side; no, it was the east side of Eleventh.

Q. On which side of Carr?—A. North side of Carr.

Q. Did you register at the polls?—A. No, sir; I didn't register.

Q. Why not?—A. They said that my name was not there.

Q. Did you vote?—A. No, sir; I didn't vote.

Q. Did you offer to register at the polls?—A. Yes, sir.

93 Q. What did you tell them at the polls when you went there?

—A. I told them I wanted to vote, or I wanted to register there, at least; they said my name wa'n't there and I couldn't.

Q. Did you tell them how long you had lived here?—A. I told them I had lived here so and so long, and I desired to register and vote, they said my name wa'n't there, and I hadn't been there long enough, so I went away.

Q. So you didn't vote?—A. No, sir.

Q. What ticket did you propose to vote?—A. Straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee

94 Q. You went to the polls, handed in your ballot, the judges looked down the list and said your name is not there, is that a fact or not?—A. They told me my name was not there.

Q. And for that reason they said they couldn't receive that ballot?—A. They told me I couldn't vote and couldn't register.

Q. They told you you couldn't vote there?—A. Yes, sir.

Q. Now, Mr. Powell, we will understand what you actually did there, if you will fully state, without my asking you any further questions,

just what you said to the judges, and what the judges said to 95 you?—A. I went up there and offered to register, then my name wa'n't down there, so he says I couldn't, and so I went away.

You stated that you offered to register, now you were told to say here; what I wish to know from you now is, what you said when offered to register and vote; now please state what you said when went there.—A. I went up there and offered myself to register. State what you said, and we will ascertain what you offered to—A. Well, that is what I said.

Can't you state what you said at that time?—A. That is what I said at the window, just what I said here.

Q. Can't you give the conversation?—A. I can't any more, because I didn't say any more than I said here; I offered to register and vote.

How often did you go to the polls that day?—A. Only once.

Who did you see when you went there?—A. Oh, I see a good many people there.

Who were you talking to?—A. I was talking to a good many white and black that day.

Was there a registration officer at the polls?—A. Yes, sir.

You talked to the judge?—A. I didn't know the judge from any else.

Q. You didn't know whether he was the judge or the registrar?—A. I didn't know what he was, I was talking to a man that was inside of the window. •

What did the judge say to you?—A. He says I hadn't been here enough in the country; said that I couldn't vote.

What month did you come to Saint Louis in?—A. I don't know t month I come here to the city of Saint Louis in.

Can't you tell me what month you arrived in the city?—A. No, because I didn't take particular count of what month I come in.

How do you know that you have lived here a year when you don't know when you came here?—A. I said I been here about 5 years, but I been living at that place one year; I been in the city 5 years.

When you registered before where did you live?—A. I didn't register before.

Did you ever vote before?—A. No, sir; not here.

Where did you vote at?—A. Nowheres else.

Did you vote at Memphis?—A. No, sir.

What city did you vote in previously?—A. No, sir.

Didn't you vote for Grant?—A. No, sir.

Ever for Hayes?—A. No, sir.

You are a river man?—A. I labors on the river, and I make trips end off on the river.

Q. You are a river man, then?—A. No, sir; not exactly; no.

Q. You are a roustabout?—A. No, sir; I aint no roustabout, sir.

You have been a roustabout?—A. I aint none now.

But you were one previous to the election?—A. I was not; was I own; I wa'n't doing anything.

You were a roustabout previous to the election?

ITNESS. You mean before or after the election?

Before.—A. I was laboring before election.

But you have been a roustabout?—A. Not then.

Where did you make your trips?—A. To different parts; some's going up the river and sometimes going below; sometimes going he Missouri River.

100 Q. How much of your life have you spent on the river?—A. Oh, I don't know how much.

Q. About?—A. I suppose I have spent about a year.

Q. Previous to the election?—A. Year and six month; perhaps all the time.

Q. Previous to the election?

WITNESS. Do you mean before the election?

COUNSEL. Yes.

A. Yes, sir.

Q. Now, do you live front or rear of 1114 North 11th?—A. Yes, sir.

Q. Which; front or rear?—A. Rear; yes, sir.

Q. Can you read?—A. No, sir.

Q. You can't then read the name that was on your ticket?—A. I can't read nothing at all.

101 Q. How do you know that you had the Republican ticket in your hand?—A. I was told it was one.

Q. You didn't know whether you were deceived or not in the information that was given you in that regard?—A. I don't believe I was deceived.

Q. You took it on trust?—A. Yes, sir; I did.

Signature waived.

102 GEO. SCHUBERT, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What's your name?—Answer. George Schubert.

Q. Where do you live, Mr. Schubert?—A. I live at Lowell.

Q. Whereabouts in Lowell; on what street?—A. I live on Bellefontaine road, between Tolcott and Goodrich avenues.

Q. You are school director here, are you not?—A. Yes, sir.

Q. You were one of the judges of election on election day, at the election precinct in Lowell?—A. Yes, sir.

Q. Was there more than one precinct in Lowell?—A. No, sir; just one; 219.

103 Q. Were there at that poll, on that election day, a number of ballots which were handed in at the window and were refused by the judges?—A. I believe there was something like thirteen.

Q. What was done with those ballots?—A. They were given to the United States supervisor.

(Mr. Donovan, counsel for the contestee, objects to this useless consumption of time, since the general supervisor and his clerk have been on the stand, and have fully testified in regard to these ballots.)

By Mr. POLLARD:

Q. Do you know Mr. Lammers?—A. Yes, sir.

Q. Was his vote among those handed to the supervisor?—A. Yes, sir.

104 Q. Do you know where he lived on election day?—A. He lived out there—I believe he lived out on Harrison and Third street.

Q. Did he live in your precinct?—A. Yes, sir; he has lived there for the last six or seven years.

Q. You have known him that long?—A. Yes, sir.

Q. His name was registered there?—A. Yes, sir; but there was a mistake in the street, and the Democratic supervisor refused to receive the ballot on that ground.

Q. The supervisor or the judge?—A. The supervisor opposed him—Mr. Huber.

Q. How old a man is this man Lammers?—A. I should judge his age is about thirty-six.

Q. He's a Republican, is he?—A. Yes, sir.

105 Q. You have known him to be living there that long?—A. He has lived longer than that there, but not at the present residence.

Q. How long have you known him?—A. For the last ten years.

Q. Do you know whether he ever had voted out there before?—A. Yes, sir; he had voted often.

Q. Do you know Henry Hahne?—A. Yes, sir.

Q. How long have you known him?—A. Well, I have known him for the last ten years.

Q. Did he live on election day in that precinct?—A. He lived in the same precinct, but he had moved his residence about a block this way, towards the street.

106 Q. Was his name on the poll book there?—A. Yes, sir; it was before, but on account he was not transferred it was stricken off—on account he had not transferred.

(Mr. Donovan, counsel for contestee, objects to the question, for the reason that the gentleman referred to was on the stand here and gave a full statement of his case.)

By Mr. POLLARD:

Q. His vote was also one that was given to the supervisor?—A. Yes, sir.

Q. What were his politics?—A. He was a Republican.

Q. How old is he?—A. He is a man of the age of about fifty; something like that.

Q. Do you know whether he had ever voted in that precinct?—
107 —A. Yes, sir; he had voted before that.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do I understand you to say, Mr. Shubert, that you were a judge there?—A. Yes, sir.

Q. What were your rules in regard to people who had previously registered and removed; could you or could you not transfer them at the polls?—A. I couldn't transfer them.

Q. When the officers of election at the city hall sent out the poll books to the various judges, and the boxes, they also sent the law governing the election?—A. Yes, sir.

Q. And this was the universal rule, that no transfer could be
108 made at the polls?—A. No, sir.

Q. And that applied to everybody, it made no difference as to his politics; it applied to Democrats as well as Republicans?—A. It applied to all here.

Q. The rule was universal throughout the city?—A. I was onto revising board there before, and the understanding then was if a man didn't move out of his district, he had the right to vote.

Q. But the rule was universal in regard to any transferring being allowed at the polls?—A. Yes, sir.

Q. And you had been a judge before?—A. Yes, sir.

109 Q. And the same rule was acted on the previous elections?—
A. Yes, sir; the same rule.

Q. And it was a printed rule?—A. Printed rule; yes, sir.

Q. And it was given to all the judges throughout the city?—A. Yes, sir.

Q. Now, in regard to H. Lammers, you don't know whether he moved or not?—A. He didn't move.

Q. He did not live on the street that was set opposite his name on the polling list?—A. No, sir; it was a misprint.

Q. And in regard to Mr. H. Hahne, he had not been transferred?—A. Yes, sir; but we were willing to take him; but the Democratic supervisor he objected, and the Democratic judge, Tom Ford.

110 Q. Was that in accordance with the printed rule that you had?—A. Yes, sir; but we thought that as long as he lived in the same district, we had a right to take his vote.

Q. But it not being lawful, you couldn't do it?—A. We knew that nobody could vote this name because we know them all up there.

Q. But you could not have transferred him legally under the law?—A. I could take his vote, but we couldn't transfer; I suppose he lived at one house to-day, and the election is next day, and before election day maybe, he moves two or three houses in the same district, 111 and then you deprive him of his vote on election day; how would that look?

Q. But you didn't make the law governing elections?—A. No, sir; I should think that a citizen could be transferred if he has not moved out of the district, and has only moved a day or two before election; I know he can't be transferred on election day.

Q. You are now giving your opinion of the law?—A. Yes, sir; I think it would be the proper thing where the man lives a year or so in a district like that.

Q. But if the law officer of the city said that the rule was otherwise he is more likely to be correct than you, is he not?—A. I don't see why.

112 Q. Are you a lawyer?—A. No, sir; I don't pretend to be one, but I know what a citizen's right is.

Q. And the city counselor is a lawyer?—A. I don't know whether he is a lawyer or not.

Q. But you know the city counselor is a lawyer, surely?—A. I don't know.

Q. Don't you know Leverett Bell?—A. I know him.

Q. You know him to be a lawyer?—A. Yes, sir; I know him to be a lawyer.

Q. And the rules governing the election were prepared under his advice?—A. There are no provisions made for that, and if he was a man of the law he ought to put in a provision of that kind.

113 Q. Mr. Leverett Bell didn't make the law, it was made by the Missouri legislature.—A. Why can't he state his opinion to that effect?

Q. He was impartial in that opinion, because he had his rule right down before him in print.—A. That is a fact, may be, but I know that law didn't deprive a citizen of his vote.

By Mr. POLLARD:

Q. Were there, as a matter of fact, any persons who voted there, and whose votes were counted at that precinct on that day, who had moved within that precinct?—A. No, sir; there was none; that is the only case that I know of.

Q. That is the only case to which it was applied?—A. That was the only one.

Q. And one of the Democratic judges there was not willing to receive his vote!—A. No, sir.

Signature waived.

CLARK DAVIS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What's your name?—Answer. Clark Davis.

Q. Where do you live?—A. Between Biddle and O'Fallon.

Q. On what street?—A. Right there in the alley.

Q. Between what streets is that alley?—A. Between O'Fallon and Idle.

Q. Between what other streets?—A. Between Ninth and Eighth.

Q. How long have you lived there?—A. I have lived there a year & three months.

Q. How long have you lived in the city?—A. I have been here about ~~ie~~ years.

Q. How old are you?—A. I'm twenty or twenty-five.

Q. Which do you mean, that you are over twenty or not?—

A. I guess I'm about twenty-five, somewhere about there.

Q. You were born in this country, and have always lived here?

A. Yes, sir.

Q. Did you ever register at the city hall?—A. Yes, sir.

Q. When?—A. This last gone election.

Q. How long before the election?—A. I guess about a month.

Q. That's the only time that you have registered?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where was this poll?—A. On North 7th street.

Q. Between what streets?—A. Between Carr I believe.

Q. Between Carr and what else; which side of Carr is it; north side of Carr or this side of Carr?—A. North side of Carr.

Q. On North Seventh, north of Carr, which side of Seventh street were they on?—A. On the north side of Seventh street.

Q. Just think a moment, it can't be on the north side of Seventh street, because that street runs north and south; is it on the river side from the river?—A. From the river.

Q. Then they are on the west side of Seventh?—A. Yes, sir.

Q. When you went to the poll, did you find your name on the poll book there?—A. No, sir.

Q. It was not there?—A. No, sir.

Q. Did you offer to vote?—A. Yes, sir.

Q. What did they do, did they receive your vote?—A. No, sir.

Q. They said your name was not there?—A. Yes, sir.

Q. What ticket did you vote, Democratic or Republican ticket?—A. Voted the Radical ticket.

Q. By Radical ticket you mean the Republican ticket?—A. Yes, sir.

Q. Did you want to vote for Mr. Sessinghaus for Congress?—A. I wanted to vote for Garfield.

Q. That is the ticket that you went to vote?—A. Yes, sir.

Q. And it was refused, and then you went away?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What is your business?—A. I'm laboring on the levee.

Q. Are you married or single?—A. I'm a married man, sir.

Q. Do you board in the alley?—A. I keep house there.

Q. Can you read?—A. No, sir.

Q. You didn't have a ticket in your hand when you went to the polls?—A. No, sir.

Q. You just went up to the window and offered to vote, but never having been registered, the judges said that your name was not on the list, and, of course, your vote could not be received?—A. Of course I registered.

Q. Do you now recollect what number on Eighth or Ninth street you live at?—A. Yes, sir.

Q. What is the number?—A. 1221.

Q. 1221 on what street?—A. Between Biddle and O'Fallon, between Ninth and Eighth.

120 Q. You don't understand me, you live in the rear of 1221 of which street, Eighth or Ninth, or Biddle or O'Fallon?—A. Why Ninth.

Q. Then you live in the rear of 1221 North Ninth, is that a fact?—A. Yes, sir.

Q. Now, when you went to the city hall, you gave your residence as 1221 North Ninth street, are you sure of this?—A. North Eighth, I gave it.

Q. You are sure that you gave your residence 1221 North Eighth?—A. Yes, sir.

Q. And at the poll you simply offered to vote?—A. Yes, sir.

By Mr. POLLARD:

Q. Now, you live in the rear of 1221 North Eighth? Is that where you lived when you went to register?—A. Yes, sir.

121 Q. You gave the recorder that number?—A. Yes, sir.

By Mr. DONOVAN:

Q. You gave them just the number of the street 1221 North Eighth?—A. Yes, sir.

Q. You are sure of that?—A. Yes, sir.

Signature waived.

122 LOUIS BUTTRAM, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Louis Butram.

Q. Where do you live?—A. I live on Carrie avenue between Third and Fourth.

Q. That is out in Lowell?—A. Yes, sir.

Q. How long have you lived there?—A. I have lived on that place about two years.

Q. Did you ever register at the city hall, Mr. Butram?—A. Not this time, I registered two or three times before.

Q. Did you ever register there since you live in Lowell?—A. Yes, sir; I registered in Lowell.

Q. How far do you now live from where you did live when 123 you registered?—A. I think it's about eight or nine blocks, I can't say exactly.

Q. Did you ever get a transfer to the place where you now live?—A. No.

Q. Are both these same places in the Lowell voting precinct?—A. Yes, sir.

- . Both of these are in the same precinct?—A. In the same voting circuit; yes, sir.
- . Did you go to the polls on election day?—A. Yes, sir.
- . Did you vote?—A. Yes, sir.
- . What did they do with your vote?—A. I couldn't tell you what they did with it.
- Q. You put your name on the back of it, did you?—A. Yes, sir.
- Q. You didn't see them put it in the ballot-box?—A. I couldn't say.
- . What ticket did you vote there?—A. I voted the Republican ticket.
- . Was your name on the poll book at that poll?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- . Your name was on the poll book and you voted it, and they received your vote, and put it in the ballot-box?—A. I don't know whether I put it in the ballot-box or not.
- . Now, how many blocks away from where you lived on election day did you live when you registered—how many blocks?—A. The main streets are not made there; well, some—about eight or nine blocks.
- . Do you know what are the boundary lines of the Lowell precinct?
- . No; I can't say that I know.
- . Then, not knowing the lines, you couldn't be certain that it was the same polling precinct?—A. I know it belongs on to the same poll where we live now.
- . I don't think you know what the lines of the precinct are.—A. Not exactly.
- . You didn't get any transfer?—A. No, sir.

signature waived.

CHARLEY WILLIAMS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

- Question. What is your name?—Answer. Charley Williams.
- . Where do you live?—A. 1004.
- . What street?—A. Seventh street.
- . Front or rear?—A. In the rear.
- . How long have you lived there?—A. I have lived there the last sixteen months.
- . How long have you lived in the city?—A. I have been in the city about eight years.
- . How old are you?—A. I am between thirty-one and thirty-two.
- . You are a colored man, and have always lived in this country?—A. Yes, sir.
- Q. Did you ever register at the city hall?—A. Yes, sir.
- Q. Where did you live at that time?—A. At the same place.
- . Then you registered at that same place before this last election?—A. Yes, sir.
- . Did you go to the polls on last election day?—A. Yes, sir.
- . Where were those polls?—A. On Carr street—corner of Fifth and Carr.
- . Which side of Carr?—A. Above Carr.
- . That was north of Carr, then?—A. Yes, sir.
- . Which side of Fifth street?—A. On the left-hand side.

Q. Is that the river side, or opposite from the river?—A. Opposite from the river.

Q. That is the west side, is it?—A. Yes, sir; west side

128 Q. When you went to the polls did you find your name there on the poll book?—A. They said it was not on there.

Q. They told you your name was not on there?—A. Yes, sir.

Q. What did you do then?—A. I went to bring witnesses to prove that I had registered, and to put in my vote; they told me to go away.

Q. They told you it was no use?—A. Yes, sir.

Q. Then you didn't vote?—A. No, sir.

Q. What ticket did you propose to vote, Republican ticket?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

129 Q. Did you have the ballot in your hand?—A. Yes, sir.

Q. Can you read?—A. No, sir.

Q. Somebody gave it to you?—A. Yes, sir; of course.

Q. And told you what it was?—A. Yes, sir.

Q. You just offered to vote there, and they looked down the list, said your name was not on it, at that particular polling precinct, and you went away; that is just what you did?—A. After they wouldn't let me vote, I wanted to prove my vote anyhow and they wouldn't let me.

Q. That is, you wanted to prove your identity?—A. Yes, sir.

Signature waived.

130 JOHN WILLIAMS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. John Williams.

Q. Where do you live?—A. In the rear of 1122 North Eighth.

Q. How long have you lived there?—A. I have lived there close on to two years.

Q. How long have you lived in the city of Saint Louis?—A. I have lived in the city of Saint Louis for about seven or eight years.

Q. How old are you?—A. Twenty-seven years old.

Q. You were born in this country?—A. Yes, sir.

Q. You have always lived here?—A. Yes, sir.

Q. Did you ever register at the city hall, Mr. Williams?—
131 A. Yes, sir.

Q. When?—A. It was about four years ago.

Q. The last time that you registered there?—A. Yes, sir.

Q. Did you ever get a transfer at the city hall from where you did reside to 1122 North Eighth?—A. No, sir.

Q. Never got any transfer, did you?—A. No, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where?—A. On Seventh, betwixt Wash and Carr.

Q. Which side of Seventh?—A. On the opposite side from here.

Q. That is the west side of Seventh?—A. Yes, sir.

132 Q. Did they find your name on the poll book when you went to the poll?—A. No, sir; they didn't find it.

Q. Did you offer to vote there?—A. I wanted to register and vote there.

Q. That is, provided they would let you?—A. Yes, sir.

Q. Would they allow you to register?—A. No, sir.

Q. Did you tell them you wanted to register?—A. Yes, sir.

Q. What did they say to that?—A. They said I had to register before the election come off.

Q. At the city hall?—A. Yes, sir.

Q. What ticket would you have voted, providing you had been permitted to vote?—A. Republican ticket.

133 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You told the judges that you had been registered from the previous places; where was that, at any other places than from 1122 North Eighth?—A. Why, I was registered the first time from 815 North Tenth.

Q. How far is this from 1122 North Eighth?—A. It was west two squares, well its southwest about four squares.

Q. It's in a different polling precinct?—A. Yes, sir; yes, sir.

Q. And they told you that they couldn't transfer you at the polls, you having neglected it at the city hall?—A. Yes, sir.

134 Q. And that is all that happened there?—A. Yes, sir.

Signature waived.

135 JAMES NUGENT, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. James Nugent.

Q. Where do you live?—A. I live on 7th street, 4400.

Q. How long have you lived there?—A. I have lived there ever since last winter.

Q. That is nearly a year or about a year?—A. About a year.

Q. How long have you lived in the city?—A. I have been in the city here for about five or six years.

Q. How old are you?—A. I am going on 37.

Q. You are a colored man?—A. Yes, sir.

Q. You were born in the United States and have always lived here?—A. Yes, sir.

136 Q. Did you ever register at the city hall, Mr. Nugent?—A. No, sir.

Q. You never did register at the city hall?—A. No, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. Near 7th street, near Carr and Biddle, in the barber shop between Wash and Carr, I mean.

Q. Do you mean to say you live 4400 or 1400?—A. 4400.

Q. Between what streets?—A. Just back of Dan Sullivan, it is just a few streets from here.

Q. Then it's 1400 where you live?—A. No, sir; it is 4400 or 1400. I can't tell exactly which.

Q. That is where you live now, just a little above Wash, or is it 137 this side of Wash?—A. Just above Wash. Mr. Dan Sullivan keeps a grocery store.

Q. You say you never registered?—A. No, sir.

Q. Which side of Seventh?—A. Well, I think, if I'm not mistaken, on the west side.

Q. That is the side north from the river, is it?—A. Yes, sir.

Q. When you went there did you register at the polls?—A. No, sir; I went to register, but it was too late.

Q. What time was it?—A. Well, I was just off the Northwestern; I believe they didn't get in until three or four days before the election.

Q. You mean it was too late to go to the city hall?—A. Yes, sir.

138 Q. And you went to the polls, did you, to register at the polls on election day?—A. No, sir; I went there and asked them if I couldn't register, and they told me, "No; it is too late." They asked me for my name; they said I couldn't get it there.

Q. Did you tell them where you lived?—A. Yes, sir.

Q. How long you had lived there?—A. Yes, sir.

Q. You didn't vote there?—A. No, sir.

Q. What ticket did you propose to vote, if you had been permitted to vote at all?—A. I calculated to vote the straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

139 Q. Did you have the ballot in your hand?—A. Yes, sir.

Q. Can you read?—A. No, sir.

Q. How did you know that it was a Republican ticket that you had in your hand?—A. I had to take somebody else's word for it.

Q. You had to rely on somebody else?—A. Yes, sir.

Q. Do you know who gave you your ticket?—A. Well, I don't know the gentleman's name that gave me that ticket; I know him by sight if I see him.

Q. Had you ever seen him before you came to the poll?—A. I had seen him on the levee, when I would come in on boats.

Q. He was a rouster on the river?—A. No, sir; he appeared 140 to be kind of laboring man 'round there, and appeared to be well acquainted down there.

Q. You were a rouster on the river?—A. I was a coal and ash heaver.

Q. You have traveled between here and Saint Paul?—A. I went from here to Saint Paul.

Q. You have been on the Northwestern for some time?—A. Yes, sir; running that stream for some time, off and on.

Q. How long have you traveled in the upper-river trade?—A. I have been running in the upper-river trade, on and off, for the last four years and over.

Q. You spend most of your time on the river?—A. Yes, sir; most of my time on the river.

141 Q. Are you married or single?—A. No, sir; single.

Q. Well, your home is on the river?—A. Perhaps most of my time is spent on the river.

Q. Did you ever vote before, Mr. Nugent?—A. No, sir.

Q. Did you ever vote at any of those towns along the river?—A. No, sir.

Q. You board at 4400 North Seventh?—A. I make my home there, with the lady who lives there.

Q. That is, when you are in town you spend some of your time there?—A. Yes, sir.

Q. Do you know what the lines are of the polling district in which 4400 North Seventh street is located?—A. I don't know what 142 you mean by lines.

(Question read and explained by the notary.)

A. No, sir; I don't know.

Q. Now, when you went to the poll you offered your ballot to the judge?—A. I offered it to the gentleman inside, but I don't know whether he was the judge or lawyer, or what.

Q. Then he said, "Your name is not here."—A. Yes, sir.

Q. And then he said that you could not vote?—A. Yes, sir.

Q. And then you went away?—A. Yes, sir; I went away; I had nothing more to do up there, so I went away.

Q. That is, you just went away?—A. Yes, sir.

By Mr. POLLARD:

143 Q. You consider this place your home, do you not, on Seventh street?—A. Yes, sir.

Q. You haven't got a home anywhere else?—A. No, sir; except in this city.

Signature waived.

144 GEORGE WASHINGTON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. George Washington.

Q. Where do you live, Mr. Washington?—A. I live on Newstead and Saint Ferdinand.

Q. On the corner?—A. Yes, sir.

Q. That is between the Saint Charles Rock road and Kennelly?—A. Yes, sir.

Q. How long have you lived there?—A. I have lived there a year next month.

Q. How long have you lived in Saint Louis?—A. I guess about 15 years.

Q. How old are you?—A. Going on 31.

Q. You are a colored man; you were born in this country, and 145 have always lived here?—A. Yes, sir.

Q. Have you ever registered at the city hall since you lived in Saint Louis?—A. Yes, sir.

Q. Where were you living when you registered?—A. 913 North Twelfth street.

Q. Have you ever been transferred from 913 North Twelfth to where you live now?—A. Yes, sir.

Q. When was that?—A. It was about two months, I guess, before the election.

Q. You went to the city hall?—A. Yes, sir.

Q. Did you tell them where you then lived?—A. Yes, sir.

Q. You told them where you lived when you registered?—A. Yes, sir.

Q. What did they say and do?—A. They said it was all right; 146 they took my name down on the book..

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. whereabouts?—A. Out on the Saint Charles Rock road.

Q. Where were these polls?—A. On the north side of Saint Charles Rock road.

Q. At whose house?—A. I disremember now what streets; I am not very well acquainted with the streets.

Q. Was it Harrison's house; was that what they call it?—A. Yes, sir.

Q. When you went there, did you find your name on the poll book inside?—A. No, sir; they said they couldn't find it.

Q. Then you didn't vote?—A. No, sir.

147 Q. Did you offer to vote there?—A. Yes, sir.

Q. What ticket did you want to vote there?—A. The straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Were you on this stand before?—A. No, sir.

Q. Are you related to George Washington that was on this stand?—A. No, sir; I have no relations here at all, sir.

Q. What is your business?—A. Common laboring man, sir.

Q. Have you got a family?—A. Yes, sir.

Q. Do you live out there on a farm?—A. No, sir.

148 Q. Is that settlement out there filled up with colored people?—A. Yes, sir; pretty much.

Q. Hasn't it got a name?—A. Well, I call it Edwardsville; I forget the name of this; it is something like Edwardsville.

Q. Edwardsville is in Illinois, isn't it?—A. No, sir; I don't know as I know.

Q. Don't you know there is no Edwardsville in this county?—A. I don't always call it Edwardsville; I don't know whether I was right or wrong.

149 Q. When you went to the city hall, what did you do?—A. I went there to register, and they asked me had I ever registered before, and I told them yes; and they asked me where from; I told them, and I asked them to give me a transfer, and they said, "Yes, sir, it's all right."

Q. You asked them whether your name was there on the registration list?—A. Yes, sir.

Q. How far from 913 North Twelfth was this place that you lived at on election day?—A. It was a good ways; two or three miles.

Q. That is not in the same polling precinct, is it?—A. No, sir.

Q. Well, you asked the clerks at the city hall as to whether you were registered or not?—A. Yes, sir.

Q. They said you were?—A. Yes, sir.

Q. Now, were you talking to the clerk or somebody on the outside?—

A. I suppose it was a clerk; he was standing there at the books.

150 Q. And he told you that you were registered?—A. Yes, sir.

Q. Who invited you to come here?—A. I come myself; I heard I could get my vote in here, so then thought I will come in.

Q. You were not subpoenaed?—A. No, sir.

Q. You just stumbled on here in your own hook?—A. Yes, sir.

Q. Your place of residence is about four miles from here, aint it?—A. Well, it is between three and four miles.

Q. Can you read?—A. No, sir.

Q. Did you read anything about this in the newspapers?—A. No, sir.

151 Q. How did you learn about it?—A. I happened to be here, and I happened about round through the city here.

Q. You just come in here to tell this?—A. Yes, sir.

* Q. Now, are you sure that you are not subpoenaed?—A. Yes, sir.

Q. Are you not mistaken about that?—A. No, sir.

Q. Were you ever in this office before?—A. No, sir.

Q. Who told you that an investigation was progressing in this place?—A. Why, I heard them talking about it.

Q. Who?—A. I heard several; I can't say who; I heard several men.

152 Q. Did you inform anybody before you got on that stand, of the facts that you have stated on the stand?—A. No, sir.

Q. To anybody?—A. No, sir.

Q. You never mentioned it?—A. No, sir.

Q. Were you invited to go on the stand, or did you go on yourself?—A. I came in there myself.

Q. Were you asked to swear in this case, or did you take the stand without being asked?—A. I just came in myself, sir.

Q. Now, George Washington, is it not a fact that you were subpoenaed in this case?—A. No, sir.

Q. You are sure of that?—A. Yes, sir.

Q. Do you know what I mean by being subpoenaed?—A. Well, I don't know, sir.

153 Q. Did somebody come after you and ask you to come here?—A. Yes, sir.

Q. Then somebody did ask you to come?—A. No, sir.

Q. Did somebody go after you and ask you to come?—A. No, sir.

Q. You got no paper stating that you must come here and testify?—A. No, sir.

Q. Have you got a paper in your pocket now, to that effect?—A. No, sir.

Q. Have you left one at home?—A. No, sir.

Q. How did you know they wanted you here?—A. I came here to see; I don't know for sure, so I thought I would come and see.

Q. Then you talked to somebody after you came here?—A. No, sir.

154 Q. Not to anybody about the premises?—A. I talked with them, but I didn't talk with them about this.

Q. You didn't tell them what you know?—A. No, sir.

Signature waived.

155 F. W. ARNOLD, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. F. W. Arnold.

Q. Where do you live?—A. Northeast corner of Thirteenth and O'Fallon.

Q. How long have you lived there?—A. I have lived there three months now, that is, since the 25th of November.

Q. Where did you live on election day?—A. 225 Mullanphy street.

Q. How long did you live there before election?—A. About two weeks.

Q. Have you ever registered at the city hall, Mr. Arnold?—A. Yes, sir.

Q. Did you get a transfer from where you were living when you registered to 225 Mullanphy?—A. No, sir; at that time I was transferred to Fourteenth and Madison street.

156 Q. Now, did you get a transfer from Fourteenth and Madison street to 225 Mullanphy?—A. No, sir; I got a transfer on election day.

Q. At the city hall?—A. No, sir; at the polls.

Q. They transferred you, then, at the polls?—A. Yes, sir; transferred me at the polls.

Q. Did you vote?—A. Yes, sir; I voted; I went in the poll, and they told me to go up to the other street.

Q. Where you formerly registered?—A. Yes; where I was registered before. I went up there, and they gave me a note. Then I went down to the poll with it, but they wouldn't let me vote there, and 157 after some trouble they made up their mind to let me put my name and address and the number of my street on the ticket.

Q. And handed in in that way?—A. And handed in in that way.

Q. What was done with it?—A. So far as I saw, they put it in the box.

- Q. Did you see it go into the box?—A. Yes, sir; I saw it.
 Q. What ticket did you vote?—A. Straight Republican ticket.
 Q. Do you know whether the ticket was put into the box and counted?
 —A. That is what I don't know.

Cross-examination waived.

Signature waived.

158 LOUIS LOFTON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

- Question. What is your name?—Answer. Louis Lofton.
 Q. Where do you live?—A. Tenth and Warren street.
 Q. How long have you lived there?—A. Well, sir, about three or four years.
 Q. How long have you lived in the city?—A. Six years.
 Q. How old are you?—A. I am twenty-one.
 Q. When were you twenty-one; were you twenty-one before last November election?—A. Yes, sir.
 Q. Did you register at the city hall?—A. Yes, sir.
 Q. How long before the election?—A. Before this last November election; about four years.
 159 Q. Have you ever registered since that time at the city hall?
 —A. No, sir; only this once.
 Q. Where were you living when you registered this last time?—A. On Tenth and Warren.
 Q. The same place where you now live?—A. Yes, sir.
 Q. Did you go to the polls on last election day?—A. Yes, sir.
 Q. Did you find your name on the poll book there?—A. No, sir.
 Q. It had been stricken off up there?—A. Yes, sir.
 Q. Did you vote there that day?—A. No, sir.
 Q. Why not?—A. Because they said my name was not on there.
 Q. Did you offer to vote?—A. Yes, sir.
 160 Q. What ticket?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. You then were just 21 before the election?—A. Yes, sir.
 Q. And had registered four years before?—A. Yes, sir.
 Q. And voted previously?—A. Yes, sir.
 Q. What is your business, Mr. Lofton?—A. Laboring on the levee, sir, a little while; most of the time on the levee.
 Q. Well, you just offered to vote at this poll?—A. Yes, sir.
 Q. And they said that your name was not on the list?—A. Yes, sir.
 Q. Did you live in the front or rear of Tenth and Warren?—A. Yes, sir.
 161 Q. Which, front or rear?—A. Front.
 Q. How many people live in that house?—A. They have got four families.
 Q. Are you married or single?—A. Single.
 Q. You travel the river?—A. Yes, sir.
 Q. You are a rouster then on the river?—A. Yes, sir.
 Q. You make your home on the river?—A. Yes, sir.
 Q. And sometimes when you come to the city you stop at this place?—A. Yes, sir.

By Mr. POLLARD:

Q. Now, when you came to this city were you a man grown?—A. No, sir.

Q. Well, about how old, how big a boy were you?—A. Somewhere about sixteen.

162 Q. How long have you been in this city?—A. Six years, sir.

Q. When you say you were 21 on election day, do you mean that you were just 21; that you were born on that day 21 years ago, or that you were more than 21?—A. More than 21.

Q. Do you live with your father and mother?—A. Yes, sir.

Q. And it is your home, and the only home that you have got, isn't it?—A. Yes, sir.

Q. Where were those polls that you went up to on election day?—A. On North Market street.

Q. Whereabouts?—A. Why, between Eighth and Ninth.

By Mr. DONOVAN:

Q. Can you read, Mr. Lofton?—A. No, sir.

163 Q. You then don't know the names of the candidates of your ticket?—A. No, sir.

Signature waived.

164 SAMPSON GREEN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Sampson Green.

Q. Where do you live?—A. I live on Vineyard street, between Clay and Glasgow avenues.

Q. Is your house numbered?—A. Yes, sir.

Q. What number?—A. 2817.

Q. How long have you lived there?—A. I have lived there seven years 9th of this July coming.

Q. How old are you?—A. Just exactly sixty years old the 24th of last month.

Q. You are a colored man, were born in the United States, and have always lived here?—A. I was born in Lexington, and raised up in Louisville.

165 Q. You have never been out of the United States to live?—A. No, sir.

Q. Have you ever registered at the city hall, Mr. Green?—A. Yes, sir.

Q. Have you ever registered since you lived at 2817 Vineyard street?—A. No, sir; I was transferred.

Q. From where?—A. From Eleventh street.

Q. When did you get that transfer?—A. It was just after I moved there.

Q. Then you have voted since you lived at 2817 Vineyard street?—A. Yes, sir; several times.

Q. Did you go to the polls, Mr. Green, on last election day?—A. Yes, sir.

166 Q. Where?—A. On Clay avenue, between Vineyard and Cass avenue, at Pohlman's—not in Pohlman's, but Boardman's.

Q. Did you find your name on the poll books when you went there?—A. Yes, sir.

Q. Did you vote?—A. Well, I put in my vote.

Q. You don't know what they did with it?—A. I seen them write on it, but what they did with it I don't know.

Q. You say somebody wrote something on it?—A. Yes, sir; I didn't see them put it in the box.

Q. What ticket did you vote, Mr. Green?—A. Straight Republican ticket, right straight through.

Cross-examination by Mr. DONOVAN, counsel for contestee:

167 Q. Did I understand you to say that your name was on the list there?—A. Yes, sir; that is what they told me, at least; I couldn't have put in the vote, I don't suppose, if it hadn't been there.

Q. So, when you offered your ballot, they looked down the list, found your name there, and they then took your ballot?—A. Yes, sir.

Q. And you went away?—A. Yes, sir.

Q. And that was all that transpired there?—A. Yes, sir.

Signature waived.

At this point a recess was taken until 2.15 p. m. o'clock, at which time, all parties in interest being duly assembled and announcing themselves as ready to proceed, the examination of witnesses was resumed, as follows:

168 CONSTANTINE MAST, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Constantine Mast.

Q. Where do you live?—A. I live 221 Exchange street.

Q. How long have you lived there?—A. Over 20 months.

Q. How long have you lived in the city?—A. Since I live in the city—I came from Terre Haute, Indiana.

Q. How long have you lived in the United States, Mr. Mast?—A. Over 15 years.

Q. How old are you?—A. I am 45.

Q. Have you ever been naturalized; have you taken out your papers?—A. Yes, sir.

169 Q. Did you ever register at the city hall, Mr. Mast, here in the city?—A. I been there the same day too; I had no time.

Q. What do you mean by that?—A. The same day that I voted there.

Q. On election day?—A. Yes, sir; on election day. There was too many people there that come to vote, and Mr. Holland, he knows me, he says, "You can vote for President, but for no other persons. What kind of a ticket do you vote?" I says, "Republican."

Q. Then you went to the poll after that?—A. Yes, sir.

Q. Now, what did you do when you went to the poll?—A. I went home.

Q. You went then from the city hall to the poll, where they were voting?—A. Yes, sir.

Q. What did you do there?—A. I said to them, whether I could vote or not. I spoke with a gentleman there; I told him I had been registered. He says, "You have the right to vote for President and senate." I told him where I live. Mr. Holland was there; he says, "I know this gentleman since he lives in the city of Saint Louis."

Q. What did you do then, if anything else; did you leave your vote there?—A. No, sir; I did not, sir, at all.

Q. You offered your ticket?—A. Yes, sir.

Q. What ticket did you vote?—A. Republican.

Q. Well, what did they do with it?—A. They put it in.

171 Q. Did they put it in the box, or what did they do with it?—

A. They put it inside of the house.

Q. What they did with it, you don't know?—A. I don't know.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Who was this that told you that you might have the right to vote up there?—A. Mr. Holland, boiler inspector.

Q. He is a Democrat, isn't he?—A. I don't know what he is.

Q. He is a prominent Democrat here?—A. Well, I vote the Republican ticket.

Q. And you wanted to vote for the President and Senator?—A. Yes, sir.

172 Q. Do you know the name of Senator that was on the ticket?—A. It was Sessinghaus.

Q. Was he running for the senate?—A. Yes, sir.

Q. You voted for him for senator?—A. Yes, sir.

Q. Can you read English, Mr. Mast?—A. Yes, sir.

Q. And that is the office you wanted to vote for, for him?—A. For Senator; yes, sir.

Q. For State senator or United States Senator?—A. United States Senator, I guess.

Q. Which, for State senator or United States Senator?—A. United States Senator, I guess; I'm not very much of a politicker, as far as that is concerned, gentlemen; just like to do my duty 173 and do my duty as a gentleman; I have not much time; I have to work; I don't go 'round; I'm a blacksmith.

Q. Did you have one of those Chronicle tickets, what they call the Chronicle ticket?—A. No, sir; I had a straight ticket through and through.

Q. Do you know what appeared at the head of your ticket?—A. No, sir; I have forgot it; there was a gentleman there who gave me the ticket.

Q. Wasn't it headed Chronicle selected ticket, with Sessinghaus for United States Senator?—A. I can't remember; I can't swear to it.

Q. Well, you wouldn't swear either that it was not headed 174 Chronicle selected ticket?—A. No, I couldn't swear to it. I just voted for the Republican ticket, that is all.

Q. Who said it was a Republican ticket?—A. I can read that much.

Q. But who told you it was a Republican ticket?—A. Jesus Christ! aint I old enough to read that much?

Q. Well, you did read the ticket?—A. I didn't read it all over; I can't be sure.

Q. You are positive that Sessinghaus was on it for United States Senator, you are positive of that?—A. I read that he was running for Senator; the next time I will look better.

Q. You went down to the city hall and got registered, when?—A. The same day.

Q. The day of the election?—A. The day of the election.

175 Q. You had never been registered previously; you had never voted before?—A. No.

Q. When you went to the poll, just tell us what you did?—A. I was to the poll; I spoke with Mr. Holland, and Mr. Holland says that he knows this gentleman; and I said I didn't get registered; may be I say a little more than that; then I went away. You say I had been to the city hall, and I stayed there until it was pretty nearly four o'clock, then I met Mr. Holland; I said to him I had no chance to get registered there at the city hall; still I wanted to vote, and the gentleman that was standing—

Q. Then you had no chance to get registered at the city hall?—A. Yes, sir; they said "You can vote for President and Senator; what ticket do you vote?" I said, "Republican ticket." "Do you vote for Sessinghaus?" I says, "Yes."

176 Q. For United States Senator?—A. Yes, sir.

Q. You didn't have the ticket in your hand?—A. No, sir; they gave it to me.

Q. Did you have the ticket in your hand?—A. I had a Democratic ticket, and I throwed it away.

Q. Did you have a Democratic ticket in your hand?—A. Yes, sir; somebody give me the Democratic ticket. I was Democrat before, but I didn't want to vote that.

Q. The persons that you wanted to vote for was the President and Senator, and that was all?—A. That was all.

Q. Well, you just offered your ballot at the window, and they said they didn't have your name there?—A. They didn't say they 177 don't have my name there; they just marked it down.

Q. They told you that your name was not on the polling list?—A. They marked down my name, Constantine Mast.

Q. They told you that your name was not on the list there, and for that reason they could not accept your vote; is that what they said to you?—A. I don't know.

Q. What did they say to you?

WITNESS. When?

COUNSEL. When you went to the window and voted.

A. When I went to the window I told them all about it; they asked me if I had registered, and I said no.

Q. Then you offered your vote?—A. No; then Mr. Holland, he was there, he spoke to the gentleman; he spoke German, you know; 178 he say, "You can vote now, but you can't vote for the officers of the city and State; you can vote for the President and for the Senator. What kind of ticket do you vote? Do you vote for Sessinghaus?" I says, "Yes, sir; I vote the Republican ticket." "Have you got a ticket?" I says, "No;" so he gave me a ticket to vote, and they took my ticket and I went away.

Q. But you didn't swear there before anybody?—A. They didn't make me swear anybody.

Q. In what portion of the city is Exchange street?—A. It's about two blocks away, below Wide's shops.

Q. Where's that?—A. It's close by me, on Exchange street; I live below.

Q. How far north is Exchange street from here, or south?—A. It is north.

179 Q. How far north?—A. Fifteen or eighteen blocks; I don't know exactly.

Q. Do you know what ward it is in?—A. I don't know exactly the ward; I forget the ward; I guess it is the Eighth ward, aint it?

Q. You did not register at the city hall or at the polls?—A. No, sir.

By Mr. POLLARD:

Q. What poll did you go to on election; where was that poll situated?—A. The poll was on the right-hand side.

Q. But on what street?—A. On Broadway.

Q. On the river side of Broadway?—A. Yes, sir.

Q. That is the east side?—A. Yes, sir.

180 Q. And whereabouts, what street and what number on Broad-

way?—A. I guess it is near to Montgomery street; down there somewhere.

Q. Now, when you went to the poll, did you tell anybody inside the poll, at the window, where you lived, and how long you had lived in the city?—A. They inquired about that; how old I am and my name, and everything, and I told them.

Q. There was nothing in the world said about registering there?—A. Nothing at all; they asked me about whether I had been registered; they told me, "You have got the right to vote for President and Senator, but you can't vote for sheriff, and so forth."

Q. But you went there for the purpose of voting the whole
181 ticket, and of doing everything that was necessary to do in respect to enabling you to vote?—A. Yes, sir.

Q. And if you had been permitted to vote, you say you would have voted the straight Republican ticket?—A. Yes, sir.

Q. From top to bottom?—A. Yes, sir; through and through.

By Mr. DONOVAN:

Q. I thought you said that you only wanted to vote for two offices?—A. I couldn't vote for anybody else, because I was not registered, so they give me the right to vote for two men, but not for more.

Q. But they explained why you could not vote for more than two men?—A. He explained to me that I was not registered at all.

182 Q. This was your friend; when they explained all this to you they gave you this explanation, that you could vote for two men?—A. That was the gentleman that takes the tickets; I know the man if I see him.

Signature waived.

183 CHARLES J. TREBUS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What's your name?—Answer. Charles J. Trebus.

Q. Where do you live?—A. 1626 Sullivan avenue.

Q. Do you live with your father there?—A. Yes, sir.

Q. His name is Charles Trebus, is it?—A. Yes, sir.

Q. How long have you and he lived together at 1626 Sullivan avenue?—A. Well, I don't know the exact number of days, but I think it is nearly a year.

Q. About a year now?—A. About a year, I think.

Q. Do you know whether your father had ever been registered while living at that place?—A. Well, to the best of my recollection 184 father had not been registered from 1626.

Q. Do you know whether he had ever got a transfer to 1626 Sullivan?—A. I understood him to say no.

Q. How old a man is your father, Mr. Trebus?—A. Father is about 52 years of age.

Q. How long has he lived in the city of Saint Louis?—A. He has lived in Saint Louis about, I suppose, 27 years.

Q. Was he born in this country, in the United States?—A. No, sir; in Europe.

Q. How long has he been in this—country?—A. About 27 years.

Q. Do you know whether he has ever been naturalized or not?—A. Yes, sir; I know that he has his papers.

185 Q. Do you know whether he went to the polls on election day or not?—A. Yes, sir.

Q. What precinct was it, Mr. Trebus?—A. I don't remember the number of the precinct, but he went to the polls on 17th and Wright street.

Q. That was the poll in which is situated 1626 Sullivan avenue, was it?—A. Yes, sir; that was the poll where we were instructed to go to.

Q. What is your father's politics?—A. Well, I understood him to say that he voted the straight Republican ticket.

Q. He is generally a Republican?—A. Yes, sir.

(Mr. Donovan, counsel for the contestee, objects to this testimony as the merest trash, and as being totally and wholly incompetent.)

By Mr. POLLARD:

186 Q. Were you at the poll when your father was there?—A. No, sir; I was not there at the same time with him; he was earlier.

Q. Do you know whether his vote was received by the judges that day?—A. Well, to the best of my recollection, from what he told me, he had some little trouble in having his vote received.

Q. But whether it was received and counted or not you can't tell?—A. I can't tell that.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Well, he got no transfer, Mr. Trebus, from his previous place of abode?—A. I think not.

Q. He told you he had not?—A. I think not; I understood 187 him to say he was going to have himself transferred right there at the polls.

Q. But he couldn't get a transfer at the polls?

WITNESS. He couldn't.

COUNSEL. I say he could not on account of the rules that the judges were acting under?—A. I don't know anything of their rules.

Q. He had not got any transfer from the previous place of registration?—A. No, sir; not that I know of.

By Mr POLLARD:

Q. Where did he live before he moved to 1626 Sullivan avenue?—A. Well, I guess what you want to get at is the last place from which he registered.

188 Q. The place where he lived at previous to 1626?—A. We lived at 1609 Sullivan, same block, only opposite side of the street.

Q. Do you know whether he voted while he lived there?—A. I think he voted from there, but I can't swear to that, but I can swear that he voted from 1607, just next door.

Q. Now, 1609 and 1607 and 1629 are in the same voting precinct?—A. No, the precinct districts are different up there; they are on opposite sides of the street, one side of the street is in one precinct, and the other side is in another precinct.

Signature waived.

189 H. C. HEITEET, produced, sworn, and examined on the part of the contestent, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. H. C. Heitert.

Q. Where do you live?—A. I live 2412 North Fifteenth street.

Q. How long have you lived there?—A. Very near two years.

Q. How long have you lived in the city?—A. I was born here.

Q. How old are you?—A. Twenty-four on the 25th of this month.

Q. Have you ever registered at the city hall, Mr. Heitert?—A. Yes, sir.

Q. Where were you living when you registered there?

WITNESS. The last time?

COUNSEL. Yes.

A. I lived at 2412 North Fifteenth.

Q. Where you now live?—A. Yes, sir.

190 Q. When did you register there?—A. The last election.

Q. Just before the last election?—A. Yes.

Q. How long before election, probably how long?—A. I can't swear to that.

Q. Was it a few weeks before election or on election day?—A. Before the election some few weeks.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Whereabouts were those polls?—A. On Fourteenth and Warren.

Q. That is the polls for the precinct in which is situated 2412 North Fifteenth?—A. Yes, sir.

Q. Now, did you find your name on the poll-book when you 191 went to the poll?—A. Yes, sir.

Q. Your name was there?—A. Yes, sir.

Q. Did you vote?—A. No, I did not vote; I went to work and give the wrong number, I was so excited, and when I went to the polls, I says, "Hold up, I have got the wrong number; I'll go down to the house;" and he says that was all right; so he scribbled that on a piece of paper and put it alongside of the box on the table; everything was correct on the book.

Q. What ticket did you vote?—A. Republican ticket.

Q. Straight Republican ticket?—A. Yes, sir; straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

192 Q. What number did you give when you went to the polls?—A. I gave 2426.

Q. When you lived at 2412?—A. Yes, sir.

Q. Why did you give 2426?—A. I was in such a big hurry, and I was excited, and I run back again, and then explained it right away; then, when I came back again, they said it was all right.

Q. Which was all right, 2426 or 2412?—A. No, sir; 2412 was; 2426 was my mistake. I was in a big sweat.

Q. What was the number opposite your name on the polling list?—A. Everything was all right on the book.

Q. What was the number of your house on the polling list?—A. 2412.

193 Q. Now, can you explain why you confused the judges by telling them that you lived at 2426?—A. That was only a mistake, that I gave them the wrong number.

Q. Then you went back after it?—A. Yes, sir.

Q. They put your vote in the ballot-box?—A. No, sir.

Q. Why not?—A. I don't know; I didn't ask that question.

Q. After you took the trouble to come back again, why didn't you take the trouble to ascertain that, whether your vote did or did not go into the ballot-box?—A. I asked them to give me that piece of paper back again and I would put in another ticket.

194 Q. What do you mean by that?—A. I would tear this ticket up and vote a new ticket; that is what I wanted to do.

Q. When you first went there you put in your ballot?—A. Yes, sir.

Q. When you went there again you asked for the ballot back?—A. Yes, sir; when I went there again I asked for the ballot back.

Q. But they said there was no necessity for that, because they put it into the box?—A. They didn't put it into the box, though.

Q. Did you wait to see whether they put it in?—A. Yes, sir.

Q. How long did you wait?—A. About five minutes.

Q. Did they say that they wouldn't put it into the box?—A. As far as I understand, they didn't do that.

195 Q. Did they tell you they would not?—A. Yes, sir; they told me they would not.

Q. What reason did they give you for that?—A. Well, because I made that mistake about the number.

Q. They didn't think you were disposed to act honestly?—A. I was just in a big sweat, and gave them the wrong number.

Q. And they thought you did that on purpose?—A. Not as I know.

Q. Well, do you know whether or not that vote was not put in the ballot-box and counted?—A. I didn't see it put in the ballot-box, and I didn't see it counted.

Q. But you were not present when they were counted?—A. No; I was not there.

196 Q. Then you don't know whether it was counted or not?—A. No, sir.

Q. Now, where did you live before you lived at 2412 North Fifteenth street?—A. 1300 North Market street.

Q. How far is that from 2412 North Fifteenth?—A. It is four blocks and a half.

Q. Is it in the same polling precinct?—A. I don't know, I can't swear to it.

Q. You don't know whether it is; isn't it a fact that it is not?—A. I don't know how the hell the polls runs there.

Q. Did you vote before?—A. Yes, sir; I did.

Q. And you didn't vote at the same polling precinct?—A. No, sir.

Q. You voted in a different polling precinct?—A. Yes, sir.

197 Q. When did you register from your previous residence?—A. I registered down at the office at the city hall.

Q. When, was the question?—A. That was at Mayor Overstolz' election.

Q. When?—A. About three years ago, I think.

Q. Now, after you moved, did you go to the city hall to notify the authorities that you had removed?—A. Yes, sir.

Q. When did you go there?—A. I went there, it was the week before or two weeks before this last election.

Q. Who did you see when you went there?—A. Who I seen when I went there?

Q. That's the question.—A. I seen officers behind there asking the names.

Q. You told them that you came there to register?—A. Yes, sir.

198 Q. And they told you that you were already registered?—A. Yes, sir.

Q. That is all they told you?—A. No, they didn't find my name on the list, so I had to register it over again.

Q. Now, if you had registered before and voted before your name must have been on the registration list.—A. No, it was not there, for there was about four or five fellows with me and their names was not there either.

Q. Now, did you go there to register or transfer?—A. Transfer, that is it.

Q. Then your name was on the list and you went there for the purpose of transferring?—A. Yes, sir; transferring.

199 Q. So you were mistaken when you said that your name was not on the list?—A. I did not understand what you meant.

Q. It was there when you went to transfer?—A. That is what I wanted to do.

Q. Now, can you tell us what you said to the clerks at the city hall?—A. I told them that I wanted to get transferred.

Q. And what did they say to you?—A. They says, "All right."

Q. And is that all that they did?—A. That is all.

Q. And that is all that you did?—A. Yes, sir; I got transferred.

Q. Now, were you talking to one of the canvassers there on the outside?—A. I don't understand you.

Q. By canvassers I mean the agents of one of the political parties?—

A. No, I didn't talk to anybody.

200 Q. You didn't talk to anybody then?—A. No, sir.

Q. Inside or outside of the counter?—A. Inside of the counter.

Q. I would be pleased for you to tell me, Mr. Heitert, just what you did up there?—A. I went there and just said I wanted to get transferred to 2412 North 15th.

Q. And you didn't swear?—A. He looked over the books; I don't know whether he found my name again or not, but I had to get registered over again.

Q. You really can't give an intelligent account of what had transpired there up at the city hall?—A. No; I can't.

201 Q. Now, can you give any explanation of how you come to give the judges the wrong number to your house?—A. No, sir; I can't tell that. I was in a big sweat and wanted to go off and instead of saying 2412 I said 2426.

Q. Can you read English?—A. Yes, sir.

Q. Well, you put in your ballot?—A. Yes, sir.

Signature waived.

202 C. J. TREBUS, recalled on behalf of the contestant:

By Mr. POLLARD:

Question. You stated when you were on the stand that 1607 and 1609 Sullivan avenue were not, in your opinion, in the same polling precinct with 1626 Sullivan avenue?—Answer. Yes, sir.

Q. I want to ask you now, whether since you have been on the stand, whether you have looked at this map, hanging in this office, and where these depositions are being taken, and which map is the property of the recorder of voters of this city, and what now you have to say in answer to this question?—A. I can state that I have, since my examination before, examined this map and I think that both the 203 north side and the south side of that street are in the same polling district?

By Mr. DONOVAN:

Q. Do you know whether this map is correct or not?—A. Well, that I can hardly swear to.

Q. Don't you know, as a matter of fact, that Sullivan avenue divides the voting precinct out there?—A. Well, not according to that map there, and I also find the description of it in this paper.

Q. Who furnished you with that paper?—A. I saw it tacked up in the office.

Q. Where is it tacked up about here?—A. In the other room.

Q. Somebody told you this fact, did they not?

WITNESS. Told me what fact?

204 Q. That this was the same precinct that you had moved from, from one house to another?—A. I knew that I had moved from one house to another.

Q. And you had moved across the street?—A. Yes, sir.

Q. And they told you that there was no change of precinct?—A. Who told me?

Q. Somebody present here?—A. Told me that there was no change! (Question read by the notary.)

A. Somebody told me that I made a mistake because I was living in the neighborhood yet, that 1607 and 1609 were not in different polling precincts from 1626; that was my mistake.

Q. However, there was no transfer made from one house to 205 the other after you had moved?—A. Father didn't transfer; no.

Signature waived.

206 WILLIAM WASHINGTON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. William Washington.

Q. Where do you live?—A. I live on Biddle street, sir.

Q. Whereabouts on Biddle?—A. Between 9th and 10th.

Q. Do you know the number of the house?—A. Yes, sir; 520.

Q. Or 1520?—A. 520.

Q. But it is on Biddle, between 9th and 10th?—A. Yes, sir.

Q. Now, don't you know that the streets begin numbering from 100, and that each block is a hundred; that 200 is between 2d and 3d streets, and between 9th and 10th streets would be 900, and between 10th 207 and 11th would be 1000?—A. No, sir; I don't know that.

Q. Well, you live on Biddle between 9th and 10th?—A. Yet, sir.

Q. Which side of Biddle?—A. South side.

Q. In the front or rear?—A. Front.

Q. About the middle of the block?—A. No, sir; mighty near 10th street.

Q. How long have you lived there?—About 3 years.

Q. How long have you lived in the city of Saint Louis?—A. About 8 years.

Q. How old are you?—A. About 31 years of age.

Q. You are a colored man, were born in this country, and have always lived here?—A. No, sir; I was not born here; I was born in Louisville, Ky.

208 Q. I mean United States when I say this country.—A. Yes, sir: I was born in the United States.

Q. Did you ever register at the city hall, Mr. Washington?—A. Yes, sir.

Q. How long ago?—A. This last election.

Q. Did you ever register before that, at the city hall?—A. No, sir.

Q. You went just a few months or weeks before last election?—A. Few weeks.

Q. Now, did you go to the polls on election day?—A. Yes, sir.

Q. Whereabouts are those polls?—A. They are on Carr, between Carr—corner of 9th and Carr.

Q. Did you find your name on the poll-book there when you 209 went there?—A. I went there and tried, but they said my name was not there.

Q. You went there for the purpose of voting?—A. Yes, sir.

Q. Did you vote?—A. No, sir; I couldn't vote, they wouldn't allow me to vote; I wanted to register my name there, but they wouldn't have it.

Q. What ticket did you want to vote, Mr. Washington?—A. Republican ticket.

Q. Straight?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you read?—A. No, sir.

Q. How do you know that you had the Republican ticket in your hand?—A. A colored man that was standing there said it was a Republican ticket.

210 Q. Don't you know the colored man was a first-class Democrat?—
A. I don't know that.

Q. He gave you the ticket then?—A. Yes, sir.

Q. And you took it and was going to vote it, if you could vote?—A. Yes, sir.

Q. You just offered to vote there, Mr. Washington, and they said your name was not on the list?—A. Yes, sir.

Q. And you then went away?—A. No, sir; I went to register my name.

Q. What did he say to you about registering your name?—A. They said I couldn't register there.

Q. Because it was not the proper polling precinct?—A. Yes, sir; I reckon, of course.

211 Q. What reason did he give?—A. He didn't say nothing at all; nothing else.

Q. Did you see the registering officer there?—A. I know there was, but he wouldn't let me register my name.

Q. They were registering other negroes?—A. I reckon they was.

Q. They must have given some reason for not wanting to register you?—A. I don't know.

Q. You really don't know much about it?—A. No, sir; I don't.

Q. Were you subpoenaed here?

WITNESS. When; this last election?

Q. Were you subpoenaed to come here this day?—A. Yes, sir.

Q. Now, what did the man say when he subpoenaed you?—A. He told me to come up here.

212 Q. Did he tell you to come here, that you could earn seventy-five cents by coming?—A. Yes, sir; he told me that.

Q. Then he told you to say that you offered to register at the poll as well as vote?—A. Yes, sir; I didn't vote.

Q. Did he tell you to say that you offered to register as well as vote?—A. No, sir; he didn't say that.

Q. Well, somebody told you to say that you offered to register there?—A. No, sir.

Q. Well, after you met the man that subpoenaed you, didn't somebody in the building tell you that you should say that you offered to register as well as vote?—A. No, sir; nobody told me. I told them the way I tell you, and I tell you I went there to register my name.

213 Q. You went there and offered to vote, and not to register?—
A. To register my name.

Q. They did register it too?—A. They didn't do it.

Q. You went there to vote, and not to register?—A. They wouldn't let me do either one.

Q. What did you know about registering prior to election?—A. I didn't know anything about it myself.

Q. Then, if you didn't know anything about it, what did you go there to do?—A. I wanted to vote the same as the rest of them.

Q. You went in there and tried to put in your ballot; your name was not on the list, you were not received, and you came away?—A. Yes, sir.

214 Q. And that was all that transpired there?—A. Yes, sir.

Q. Because your name was not on the list?—A. I had my name put on the list at the city hall.

Q. But when you went to the polls you found that your name was not on their list?—A. Yes, sir.

Q. What is your business, Mr. Washington?—A. Under contract with Mr. Maguire, loading barges.

Q. Down on the levee?—A. Yes, sir.

Q. You have run on the river?—A. Yes, sir; many years ago, though.

Q. Now, have you stated the matter correctly; that is to say, you went to the poll, you spoke to the judge, you offered your ballot, you gave your name, the judge looked down the list, said your name 215 was not there, said you could not vote at the polling precinct, and you went away?—A. Yes, sir.

Q. That is the truth and the facts, and all the facts?—A. Yes, sir.

Signature waived.

216 RHEINHOLD RAPP, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Rheinhold Rapp.

Q. Where do you live?—A. 1251 North Second street.

Q. How long have you lived in Saint Louis?—A. I have lived steady this time for 13 years; I have lived in Saint Louis since 1843; I left it then for some time, and come back again.

Q. How old are you, Mr. Rapp?—A. I am 40 years old; I was 40 the 11th of last January.

Q. You were one of the judges of election on last election day, were you not?—A. Yes, sir.

Q. Precinct 37?—A. Yes, sir.

Q. Where were those polls located?—A. They were located on 217 the northeast corner of Biddle and Broadway.

Q. Is that the precinct in which the celebrated Ashley building is situated?—A. It is.

Q. Do you know, Mr. Rapp, whether there were a great many Germans presented themselves at the polls claiming to reside in the Ashley building, whose names had been registered, but who had been stricken off from the polling-books and who were not permitted to vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is desired to draw from this witness the inference that because a man may be a colored man, or because he may have been born in

218 Germany, or England, or some other foreign country, that he is required to vote the Republican ticket.)

A. There may have been some eight or ten that have been refused to vote; the names were German; from the poll-books they give the number of the room that they live in; they couldn't name the number of the house, because it contains about five hundred or six hundred rooms in the house; but they give the number of the rooms, and they were rejected; I don't say exactly they were Germans, but the biggest portion was Hollanders.

By Mr. POLLARD :

Q. Did you have there at those polls with the regular list, one which purported to be of those names which had been stricken off; did you have such a list there at that poll?—A. No, sir.

219 Q. You were not furnished with that kind of a list?—A. No, sir; if it was, I didn't get to see it.

Q. You are a Republican, are you not?—A. Yes, sir.

Q. Was there any other Republican judge at that poll there?—A. No, sir; I think the whole batch of them was Democrats.

Q. The clerks, and judges, and all, but yourself?—A. Yes, sir.

Q. Now, who was the registrar there at that precinct?—A. Chas. Coyle, from a different precinct.

Q. What was his politics, if you know?—A. Democratic.

Q. Do you know now, Mr. Rapp, whether there was any transfers made at that poll on that day?—A. There was some of them, I couldn't tell which name right now; in the counting of the votes as I was 220 reading them off; as I was the only Republican there, I couldn't watch the whole thing.

Q. Now, it is a fact, is it not, that that precinct is a very heavy Democratic precinct; do you remember how many votes Mr. Sessing-
hans got there?—A. I couldn't tell no more, exactly.

Q. Do you know whether the registrar up there had refused to transfer any man who claimed to be a Republican?—A. As much as I could see there, a Republican had all the difficulty he wanted to vote; which the Democrat didn't.

Q. Well, do you know Mr. Hennessy, the market master?—A. I know him by sight, that's all.

221 Q. He is a prominent Democrat, is he not?—A. Yes, sir.

Q. Now, isn't it a fact that this man Coyle who was registrar, and this man Hennessy, the market master, substantially controlled this poll on that day?

(Mr. Donovan, counsel for the contestee, objects to the question for the reason that the counsel for the contestant is virtually testifying here. It is his privilege to ask this witness the facts; he is an intelligent white man and can tell him all that transpired there.)

A. Well, it was all a fuss round there; there was a regular racket there nearly all the time, especially if there was any Republican come there, the racket would go on pretty loud.

By Mr. POLLARD :

Q. Now, you say "racket," what do you mean by that?—

222 A. Growling around there; crowding them away from getting registered; just surrounding the small window on the side of the building where the polling place was; they crowded them away from there.

By Mr. POLLARD:

Q. Well, what was the case when Democrats came there?—A. There was room made for them.

Q. Everything was easy for them?—A. Yes, sir.

Q. Do you know what were the politics of a large majority of those who did transfer or register there that day?—A. Democrats.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you give the names of those that couldn't transfer?—A. I can't.

223 Q. Can you give the name of a single one?—A. There is one and his name was on the poll-book, but I don't know whether I can recollect all the names or not; there is one man registered again, and I scratch his name off; his name is Richard Burnes.

Q. You wouldn't let him vote?—A. That is just the time I had time to look up his name; I saw it on the poll books and I kicked against it; and I scratched it off in the presence of Coyle.

Q. Why did you scratch it off?—A. Because I know his name is on the poll books, and I was not going to have him vote twice.

Q. Did he vote?—A. He voted once.

Q. He was Republican?—A. I don't know.

224 Q. Did he vote for Sessinghaus?—A. I can't tell you which way he voted.

Q. Don't you know whether he voted for Sessinghaus?—A. No, I do not; I never took in votes at all.

Q. Well, that is the only name that you can give?—A. That is the only name.

Q. That is, you are not fully familiar with the men that came there?—A. Yes, sir.

Q. Whose votes were received?—A. Yes, sir.

Q. That is all that you know about that?—A. That is all I that know about that.

Q. You don't know whether they were Republican or Democrat?—A. I am sure they were Republican.

Q. You guess at it?—A. Well, the biggest part of them I know.

225 Q. Well, if you know them, tell us who they were?—A. That is, I know them by sight; I know what they said at two different primaries when they were all there.

Q. And you can't give the name of one of them?—A. No, sir.

Q. And you don't know why they were refused?—A. I don't know.

Q. Nor where they live?—A. No, sir.

Q. Was there any Republican vote cast at that poll at all?—A. Yes, sir.

Q. Then some Republicans were permitted to vote there?—A. Yes, sir.

Q. There are very few Republicans in the district?—A. No; I don't know how many is there.

226 Q. Are you familiar with the politics of the people in the district?—A. No, sir; not so very much. I have only been there going on 3 years.

Q. Don't you know that there are but very few Republicans in that district?—A. There is a good many that have been Republicans, but they have lately changed to Democrats.

Q. Well, do you not know that ordinarily there are very few Republicans in that district?—A. Well, I saw very few there; there are considerable Republicans in that district, small as it is.

- Q. Is there about fifty ?—A. There's more than that.
 Q. All of the 50 that came up there voted, did they, or did they not ?—A. I can't tell anything more how many voted, that is a small matter.
- 227 Q. Don't you know how many Republicans voted at that poll ?—A. I can't tell you.
 Q. And you were judge of election ?—A. I was.
 Q. And you kept an account ?—A. I just read off the names.
 Q. Haven't you given us your count here ?—A. No, sir ; that was the clerk's business, and not the judge's.
 Q. Don't you know that the mayor of Saint Louis in selecting officers for a poll, selects an equal number of Democrats and Republicans, so that everything shall be conducted in a spirit of fairness ?—A. Well, I suppose he does, but there was not but the one that had the papers there that day of judge.
- 228 Q. Will you give us the names of the judges and clerks, and give me their politics ?—A. The only one I know is Daniel Cahill.
 Q. You don't know the other judge ?—A. No, sir.
 Q. If you don't know their names, it is not likely that you would know their politics.—A. No, sir ; I know that when they closed up they had their tickets, and put them in the ballot-box.
 Q. You ascertained how they themselves voted ?—A. They all voted nearly about the same time.
 Q. And you thought you saw their ballots ?—A. I did see them.
 Q. Now, you have just told us that Republicans sometimes vote Democratic tickets, and sometimes Democrats vote Republican tickets.
- 229 —A. Yes, sir ; but we all doubled up our tickets ; there was 5 of them.
 Q. What was the nationality of the judges and clerks at that poll ?—A. I expect that the four was Dutch and Irish and English.
 Q. How many Germans were there at the polls ?—A. Me, for one ; I believe I was the only one.
 Q. How many Englishmen ?—A. That I can't tell you ?
 Q. These were officers now that you are speaking about ?—A. Yes, sir.
 Q. Were they gentlemen ?—A. Well, they was the first part of the time, until they happened to get a little rough once in a while.
 Q. But you considered them gentlemen ?—A. Yes, sir.
- 230 Q. And disposed to act fairly ?—A. Yes, sir.
 Q. All the officers at the polls, you regarded, endeavored to act fairly and perform their duty faithfully ?—A. I took them for that, sir.
 Q. That was your observation ?—A. Yes, sir.
 Q. Were there many negroes at that poll ?—A. Very few.
 Q. Do you mean to say that anybody was crowded away from the polls ?—A. There was.
 Q. Can you give his name ?—A. I cannot.
 Q. It was somebody, however, that was crowded away from the polls that was acting unruly on the outside ?—A. That I couldn't tell you ; they was crowding around there so you couldn't tell that.
- 231 Q. It was a party that had voted probably before ?—A. Well, it was a great big gang there.
 Q. Oh, well, there is always shoving and crowding around the polls. You have had experience in that, haven't you ?—A. Yes, sir ; once in a while.

Q. There was no white man there that wanted to vote that was refused the privilege ?—A. There was several of them.

Q. You don't mean crowded away from the polls ?—A. They were rejected right there ; just registered and nothing else ; the votes would be rejected outside.

Q. That is, people that had nothing to do with the polls would be rejecting votes on the outside ?—A. Yes, sir.

232 Q. Rejecting them how ?—A. They wouldn't let them come near.

Q. You don't know what their politics were ?—A. No, sir ; I can't say positive.

Q. You don't know any of them ?—A. I know there was a gang of Democrats that kept them away.

Q. You don't know, now, any of these people that didn't get to the polls ?—A. No ; I don't know them by name.

Q. You don't know but that they lived in the southern portion of the city ?—A. I can't tell where they live ; I can't swear where they live.

Q. They might have lived in the 2d district for all you know ?—A. I expect around election day they crowd around their own polls as much as possible.

233 Q. And never visit any other polls ? Now you don't know the name of a single Republican that was refused the privilege of approaching the polls there ?—A. No, sir ; very few that I know the names of around there.

Q. You don't know what their politics was ?—A. I did judge by the way they spoke what their politics was.

Q. You don't know for what reason there was this crowding ?—A. There was several of them swearing and talking, and I heard say "If you don't let us vote Sessinghaus will be elected anyhow."

Q. That is what they were saying ; they were not allowed to vote because they were not entitled to vote ?—A. No, sir ; they were 234 stricken from the list ; there was a good many stricken from the list that was entitled to vote.

Q. Can you name any of them ?—A. As I stated I aint acquainted with them, knowing not much about the names.

Q. Can you give me the name of a single Democrat that was transferred at the polls ?—A. That I cannot give neither.

Q. Why then do you say that there were Democrats transferred at the polls if you don't know their names ?—A. I heard ; by the way they spoke about it.

Q. Don't you know that it was the uniform rule throughout the entire city, at all the polls at this last election and at all previous 235 elections, not to permit transfers at the polls ?—A. That I did not know.

Q. Well, you know as a judge, that it was your duty not to permit any transfer at the polls ?—A. I couldn't attend to all around there.

Q. I am asking you what was your knowledge of your duty as a judge ; do you not know that printed instructions were given by the officers of the city that a party who had been registered and who had moved and failed to obtain a transfer could not obtain a transfer at the poll in the city of Saint Louis on election day ?—A. I didn't see none of them rules.

236 Q. Did they not come with the poll books ?—A. I did not get to see one of them, the only printed rules that I seen was them that the registrar got.

Q. These printed rules came with the poll books?—A. I didn't get to see them.

Q. Well, they were there but you didn't read them, is that a fact or not?—A. I did not get to see them to read them.

Q. But you were a judge and could read them if you had been industrious enough to seek the opportunity; they went to all the polls.—A. I didn't get to see them.

Q. You didn't look for them, so the judges then obeyed this rule at that poll?—A. What rule is that?

237 Q. The rule that I spoke of in regard to people who had registered and moved and failed to notify the authorities at the city hall of their removal?—A. They did with some and with some they didn't.

Q. Can you name those that they did?—A. No, sir.

Q. What were you doing there, receiving?—A. No, sir; I was counting, they would be taking the ballots out of the box and I was counting them.

Q. Then you don't know the particular facts in regard to voters, whether it was a case of registration or a case of transfer?—A. Just only what I heard them speak about outside.

238 Q. They were people that re-registered that you spoke of?—A. Some registered and some was transferred.

Q. Can you give the name of anybody that was transferred?—A. No, sir; there was several, but the supervisor he kicked against it; he says, "No transferring admitted here," and from that time it stopped.

Q. Now, what time of the day was it?—A. That was in the forenoon.

Q. Was it in the forenoon?—A. Yes, sir.

Q. From then it is quite likely that there was not much of it done there?—A. I can't tell how much of it was done.

239 Q. Can you tell whether it was done in one case?—A. Yes, sir; I heard them talking about it.

Q. Oh, you then heard somebody talking about this thing?—A. Yes, sir; they said "that transferring has got to be stopped."

Q. And the Democratic judges all agreed that that was the law?—A. Well, the supervisor there made the law.

Q. And the judges agreed with him that there was no question about it, but that it was the law?—A. They stopped it then; I suppose that made the law of it.

Q. You think they made the law themselves; Democratic judges stopped the transferring at the Democratic polls; is that what I 240 am to understand?—A. The supervisor stopped it.

Q. But the Democratic judges agreed with him that that was the law, and it could not be done—transfers could not be made at that poll?—A. He would not allow them to, and then they stopped.

Q. That was early in the day?—A. I think it was on the second box; second or third.

Q. That was very early in the morning; that was about 7 or 8 o'clock in the morning?—A. No, sir; the polls were opened after 7 o'clock.

Q. Well, it was about 8 o'clock, then?—A. It was in the neighborhood of 10 o'clock.

Q. But the second box was between 8 and 9?—A. No, sir; the first box.

241 Q. It was from 8 to 9 o'clock?—A. It was after 7 o'clock when they opened the doors; then they took out a pane of glass and they made ready to open the polls.

Q. It was either at 8 or 9 o'clock that they come to the conclusion

that it was illegal to transfer at the polls?—A. If I aint very much mistaken, it was about 10 o'clock.

By Mr. POLLARD:

Q. Mr. Rapp, this gentleman forgot to ask you one question; how many Irishmen were among the judges there?—A. Well, that I can't tell exactly but I think they was very nearly all of them.

Q. Isn't it a fact that one of the judges there didn't live in the precinct?—A. Well, one of the judges that was there, I saw him on 242 election day, and didn't see him before and I haven't seen him since.

Q. Where he did live you don't know?—A. That I don't know.

Q. Did you sign the returns that day?—A. Yes, sir.

Q. Did that judge that you spoke about not having seen since, did he sign the returns?—A. Yes, sir.

Signature waived.

243 W. H. STROMBERG, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. W. H. Stromberg.

Q. Where do you live?—A. 1226 Broadway.

Q. How long have you lived in Saint Louis?—A. About twenty-nine years.

Q. Were you at poll number 37 on the morning of the last election day, some time during the day?—A. I was, sir.

Q. Did you see a man named Chamberlain there, whom you know?—A. Yes, sir.

Q. Where did this man Chamberlain live, if you know?—A. At that time he lived on Secoud, between O'Fallon and Bates, about three or four years; it was next to O'Fallon.

244 Q. How far is that from polling precinct 37?—A. About two blocks and a half.

Q. That was not in precinct 37?—A. No, sir.

Q. Who was the registrar at precinct 37 on that day, if you know?—A. Mr. Coyle.

Q. Do you know where Mr. Coyle lives?—A. In the same house with Mr. Chamberlain; Chamberlain was staying in his house.

Q. Did you see this man Chamberlain at precinct 37?—A. Yes, sir.

Q. Who gave him his ticket, if you saw it given to him?—A. It was 245 the market master's deputy; his first deputy went and give him a ticket; I just talked to him, and I says, "Chamberlain, hold on; don't put that ticket in; stop right now; you haven't got any business to vote in this precinct." Then the deputy market master, he says, "Yes, he has; you just put it in." Finally, I hollered into the window not to take that ticket, but he went and shoved it in, and they finally took it and put it in the box.

Q. What was this market master's name who gave this Chamberlain his ticket?—A. I can't tell you his name; his first name is Andrew; he is the first deputy.

Q. What is his politics?—A. Democrat.

Q. He was a partisan Democrat at the poll, was he not?—A. Yes, sir.

246 Q. Mr. Stromberg, did you see anything there which was done by any one outside to prevent any Republican from getting to the

polling window; and, if so, what?—A. I can't say about that; I heard of such there, but I haven't seen it myself.

Q. How long were you there at the time?—A. I was there may be half an hour, some twenty minutes, and some part of the day I was at some other polls.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You were standing at the poll yourself?—A. Well, I was not all the time at the polls; I went from one poll to the other.

Q. You took an active interest in that election?—A. No, sir; I did not.

247 Q. What is the reason that you spent your day, then, at the election?—A. My business is to keep a saloon, and on that day I had nothing to do; that is why I was walking around that day.

Q. You are a Republican?—A. Yes; was all my life-time, ever since I had a vote.

Q. Can you give the boundary line of precinct 37?—A. Boundary line is right on this side of O'Fallon street.

Q. Please give us the boundary line?—A. I don't know exactly how far they run the other way, down on the other side of Bremen, I believe, and it goes down to the river.

By Mr. POLLARD:

Q. You can consult the map there if you want to.

By Mr. DONOVAN:

248 Q. You don't know boundary line of your precinct?—A. I know the boundary line is on this side of O'Fallon street; I know that much; it is not on the other side.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Friday, February 18, 1881, then to be continued, at the same place, at the hour of 9 o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.
Term expires March 13, 1882.

No. 18.

1 Pursuant to adjournment, as above stated, on the 18th day of February, 1881, at the hour of nine o'clock in the forenoon, I continued the taking of these depositions as follows:

FERDINAND BOOTHE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. METCALFE:

Question. What is your full name?—Answer. Ferdinand Boothe.

Q. What is your residence?—A. Northeast corner of Fifteenth and O'Fallon.

Q. How long have you been living there?—A. I have lived there about two years.

Q. Where did you live previous to that time—before you lived at that place?—A. Two doors north of Fifteenth, on the same side of the street.

Q. Two doors north?—A. Yes, sir.

Q. On the same side of the street?—A. Of course—in the vicinity.

2 Q. It is in the same voting precinct?—A. Yes, sir.

Q. How long did you live there?—A. I have been living up there eight years; something like that—six or seven or eight years.

Q. Have you ever registered from your first residence?—A. Yes, sir; I had a transfer. I used to have a transfer on Collin's street.

Q. You transferred it to two doors from O'Fallon and Fifteenth?—A. Yes, sir.

Q. After you moved to the northeast corner of Fifteenth and O'Fallon did you transfer from where you used to live?—A. That's something I can't say positive, but I voted there.

Q. Was your name on the poll book there?—A. Yes, sir.

3 Q. Then you must have transferred?—A. I don't know. I gave them a vote, and that is the last I seen of it.

Q. Was your name on the poll book at the previous election? You had no trouble there?—A. No, sir.

Q. Did you go to the polls the last election day—November 2?—A. Yes, sir.

Q. Did you find your name on the poll book?—A. I wanted to vote, and they rejected it.

Q. Did the judges find your name on the poll book?—A. No, sir.

Q. It had been stricken off, had it?—A. Yes, sir.

Q. Would they take your ticket?—A. No, sir.

4 Q. What ticket did you offer to vote?—A. I proposed to vote the Republican ticket.

Q. For Mr. Sessinghaus?—A. Yes, sir.

Q. Where were you born, Mr. Boothe?—A. I was born in Saint Louis.

Q. You have always lived here?—A. Yes, sir.

Q. How old are you?—A. I am thirty-eight going on thirty-nine.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do I understand you to say that you moved around the corner?—A. I moved right on the corner.

Q. And your previous residence was where?—A. Two doors north of Fifteenth street.

5 Q. And now your house fronts on O'Fallon?—A. And now my house fronts on O'Fallon; yes, sir.

Q. Were you present when the reviser visited that neighborhood?—A. No, sir.

Q. You have a family there, I suppose?—A. Yes, sir.

Q. I suppose your name was not on the list because the reviser found that you had moved from the place that you had registered in?—A. I don't know.

Q. Well, you have stated that you had voted from the place that you had moved from?—A. Yes, sir.

Q. I suppose he visited that place and didn't find you there, 6 and that is the reason that your name did not appear on the polling list?—A. That might be. I know I voted there from the house that I live in now.

Q. You never saw the reviser?—A. No, sir; I don't know as I ever saw him. When I went to the poll I handed them my ticket, and that was the last I took notice of it.

Q. So you couldn't swear whether your name was on the poll book or not?—A. No, sir.

Q. And you are not clear about having made the transfer?—A. Well, that I couldn't swear to at all, but I know that I voted there once. I don't know why they took the vote once and not the second time.

7 Q. You had a conversation with them?—A. This last time I did.

Q. What did they tell you?—A. That I was stricken off the list and couldn't be found.

Q. So that it is quite likely that you omitted to transfer from the house that you lived in on Fifteenth and O'Fallon?—A. Yes, sir.

Signature waived.

8 FRED. KOELLING, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. METCALFE:

Question. What is your name?—Answer. Fred. Koelling.

Q. Where do you live?—A. 1401 Benton.

Q. Were you a judge of election on last election day at precinct 145?—A. Yes, sir.

Q. Will you state whether or not there were any votes cast on that day which were not counted or put in an envelope and sent to the city hall as registered?—A. There was four votes.

Q. Do you know what parties voted those votes? Do you know their names?—A. No; I don't know their names.

9 Q. Will you state for whom those votes were cast for Congress?

Mr. DONOVAN, Don't state if you don't know.

By Mr. METCALFE:

Q. What is your answer?—A. I don't know particularly; I believe it was three votes for Sessinghaus; I hope so. I heard that fellow state at the door, "I have to vote here; I am all right, I am a Republican, and I want to vote for Sessinghaus."

Q. Didn't you see those tickets?—A. I had those tickets in my hand, but I didn't make them open, I didn't make the tickets open—

none of them.

Witness withdrawn.

Signature waived.

- 10 T. J. BRAUN, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. METCALFE :

Question. What is your name, sir ?—Answer. T. J. Braun.

Q. Where do you live ?—A. 1608 Dodier street.

Q. How long have you lived there ?—A. About two years.

Q. Where were you born ?—A. In Saint Louis.

Q. How old are you ?—A. Thirty-one.

Q. You have been living at 1608 Dodier street ?—A. Yes, sir.

- Q. Where did you live prior to that time ?—A. I live on the corner of Sixteenth and Salisbury. This is the first vote I ever cast in my life.

- 11 Q. You went to the polls on election day last ?—A. Yes, sir.

- Q. And you had never registered before ?—A. No, sir; never had.

- Q. Where were the polls to which you went ?—A. I think they were on Seventeenth and Wright.

Q. Did you apply for registration there ?—A. Yes, sir.

Q. To whom—to Special Register Williams ?—A. Yes, sir.

Q. Did he register you ?—A. He did.

Q. Did you offer to vote ?—A. Yes, sir.

Q. And you voted ?—A. Yes, sir.

- Q. What ticket did you vote—the Republican ticket ?—A. For Mr. Sessinghaus.

Q. To whom did you give your vote ?—A. To Sessinghaus.

- 12 Q. To whom did you give your ballot ?—A. Mr. Williams.

- Q. Who was Mr. Williams ?—A. Well, he was the special registrar.

Q. The man who registered you ?—A. Yes, sir.

- Q. Did you see him hand it to the judges, or did you see it put into the ballot-box ?—A. No, sir; I did not.

Q. Do you know whether or not it was counted ?—A. No, sir.

Q. You don't know ?—A. No, sir.

Q. You merely handed it to Mr. Williams ?—A. Yes, sir.

- Q. You didn't see it handed to the receiving judges ?—A. I can't say that I did.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- 13 Q. Have you any idea, Mr. Braun, as to whether your vote was placed in the ballot-box or not ?—A. Well, it ought to have been; I can't say whether it was.

- Q. Well, did you wait there and see ?—A. Well, I just handed my ballot to this gentleman, and he received it of me. I didn't look any more towards the ballot. I took it for granted that the man would put it where it belonged.

- Q. You supposed that he would ?—A. Certainly, I should, under the circumstances, suppose that he would.

Q. Do you think that he did ?—A. I think he did.

- Q. How does it come, Mr. Braun, that you never cast a ballot before you attained thirty-one years of age ?—A. Simply because I never was interested in politics before this, and I am not inter-

ested now, so far as that is concerned, any more than a loyal citizen should be. I now consider politics a little more. I think I am more capable to cast a vote, in my judgment, than I was heretofore.

- Q. You are a merchant?—A. No, sir.
 Q. What is your business?—A. Clerk—salesman.
 Q. You are in some mercantile house?—A. No; not at present.
 Q. But have been?—A. Yes, sir.
 Q. Well, you went to the polls and registered, and cast your ballot?—A. Yes, sir.

Signature waived.

15 BOB PRICE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

- Question. What is your name?—Answer. Bob Price.
 Q. Where do you live?—A. I live at 1118 North Eighth.
 Q. How long have you lived there, Mr. Price?—A. I been living there about a year.
 Q. How long have you lived in the city?—A. I have been here about five years.
 Q. How old are you?—A. About thirty-seven years.
 Q. You are a colored man, were born in this country, and have always lived here?—A. Yes, sir; I was born in Missouri.
 Q. And have always lived in the State?—A. Yes, sir.
 16 Q. Did you ever register at the city hall?—A. No, sir.
 Q. Never did?—A. No, sir.
 Q. Did you go to the polls last election day?—A. Yes, sir.
 Q. Where were those polls?—A. On the corner of Seventh, between Biddle and Carr, I believe.
 Q. Then, they were on Seventh, between Carr and Biddle?—A. Yes, sir; Seventh street, on the south side of Seventh street—no, on the west side.
 Q. That is the side farthest from the river?—A. Yes, sir.
 Q. Well, that is the west side?—A. Yes, sir.
 Q. Did you register at the polls?—A. No, sir; they wouldn't let me.
 17 Q. What did you tell them when you went to the polls?—A. I told them I wanted to vote. They asked me am I registered. I said, "No, sir." They told me I can't vote.
 Q. That was all that was said or done?—A. They said that settled it
 Q. What ticket did you want to vote, if you had been permitted to vote?—A. Republican ticket.
 Q. Straight Republican ticket?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. Well, you didn't register?—A. No, sir.
 Q. Can you read?—A. No, sir.
 Q. Did you have a ticket in your hand?—A. Yes, sir.
 Q. If you can't read, of course you don't know what names were
 18 on your ticket?—A. There was a friend of mine with me who could read, and there was several white gentlemen that told me it was a Republican ticket. I only took their word for it.
 Q. You don't know whether they were Republicans or Democrats?—
 A. I know the colored man with me; he could read and write.
 Q. You took his word for it?—A. Yes, sir.

Q. Did you live at that place a year? Just tell us what month you moved to that place?

WITNESS. To 1118?

COUNSEL. Yes.

A. I moved there just the first of this month a year ago. Before I moved there I was living at 1128 Levee, in the same block, for 19 about five years.

Q. After you came away from the polls, did you talk with the people standing around there about your case?—A. No, sir; I never said no word to any person.

Q. You just went and offered to vote; they said your name was not on the list, you could not vote there, and you walked away?—A. Yes, sir; I asked the reason; they said, "You aint registered; you can't vote," and then I went away.

By Mr. POLLARD:

Q. Did you tell them at that poll where you lived and how long you had lived there?—A. Yes, sir.

Q. And they just told you you couldn't vote?—A. Yes, sir.

20 Mr. DONOVAN. It is distinctly understood that the objection that has been previously made to all of these witnesses and their testimony continues to be applied without being repeated.

Signature waived.

21 JOHN BROWN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. John Brown.

Q. Where do you live, Mr. Brown?—A. North Twelfth street, betwixt Wash and Carr; number 1009.

Q. How long have you lived there?—A. I have lived there going on two years.

Q. How long have you lived in the city?—A. I been in the city about fifteen or sixteen years now.

Q. How old are you?—A. I am about forty-two.

Q. You are a colored man, born and raised in this country, and always lived here?—A. No, sir; I was raised in Virginia.

22 Q. I mean in the United States?—A. Yes, sir; I was raised here.

Q. Did you ever register at the city hall, Mr. Brown, this last election; that is, before the last election?—A. Yes, sir.

Q. You went down to the city hall, did you?—A. Yes, sir.

Q. You told them what you wanted to do?—A. Yes, sir.

Q. Told them where you lived?—A. Yes, sir.

Q. What did they do?—A. They gave me a paper.

Q. They gave you one of these slips?—A. Yes, sir; they gave me such a paper.

Q. Then, you had been registered before that, had you?—A. Yes, sir; I had been registered in this city before that.

23 Q. Well, did they swear you in, make you hold up your hand, and subscribe your name on a book?—A. They did, and I touched the pen.

Q. That was a few weeks before the last election?—A. Yes, sir; about a month.

Q. You were then living at this same place; 1009 North Twelfth?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. On the corner of Twelfth and Carr.

Q. When you went there, did they find your name on the poll book?—A. No, sir.

Q. They didn't find it?—A. It had been scratched.

Q. Had it ever been there?—A. Yes, sir.

24 Q. Did you offer to vote?—A. Yes, sir.

Q. What ticket did you offer to vote?—A. Republican.

Q. Did they take the ticket in at the window?—A. They took it, and looked at it, and said my name was not on the book, and they handed it back to me, and so I didn't tarry; I then asked them, though, to register me, and they wouldn't do it.

Q. Why not?—A. I don't know, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Who is it that requested you to volunteer the statement that you offered to register?—A. Mr. Smith.

25 Q. Mr. Smith told you that when you got on the stand you must say that you offered to register?—A. Yes, sir. Well, that was what I told him; he asked me for that, and I told him just as I speak to you.

Q. How long did you remain at the poll that day?—A. I was there about an hour.

Q. There were plenty of Republican agents there, were there not?—A. Yes, sir.

Q. Well, they were there to see that every proper ballot should be cast?—A. Yes, sir.

Q. And you told them all about the facts of your case?—A. Yes, sir.

Q. And they told you you couldn't vote there?—A. Yes, sir.

26 Q. Do you know the lines of your voting precinct?—A. No, sir.

Q. So you don't know whether this was the proper polling precinct or not?—A. Well, it was proper, as everybody else was there; at least, I thought it was proper.

Q. But the Republican gentlemen there told you it was not the proper polling precinct, and that you could not vote there?—A. They didn't tell me anything about that. They told me my name was not on the book.

Q. But they themselves told you that you could not vote there?—A. Yes, sir.

Q. You went away?—A. I went for Republicans—I think they were Republicans.

Q. Then you went away?—A. Yes, sir.

27 Q. Can you read?—A. No, sir.

Q. Did you have a ticket in your hand?—A. Yes, sir; I did.

Q. How do you know it was a Republican ticket?—A. Well, they gave it to me for Republican at the city hall.

Q. Did you get any ticket at all at the city hall last fall?—A. Yes, sir; when I registered.

Q. The ticket, then, that you offered to vote you got at the city hall some weeks previous to the election?—A. Yes, sir.

Q. Now, are you sure that the very ticket that you had in your hand was the ticket that you offered to vote, and the one you had obtained at the city hall two weeks prior to the election?—A. Yes, sir.

28 Q. Whose name was on that particular ticket?—A. I couldn't read. If I had heard it read, I couldn't tell. I would forget it.

Q. That was the fact, however, that you wanted to vote the ticket that you had got some weeks prior to the election?—A. Yes, sir.

Q. Was Mr. Sessinghaus's name on that ticket?—A. I don't know, sir.

Q. The ticket that you offered to vote, you don't know what name was on it?—A. No, sir; they didn't take it, so I put it in my pocket.

By Mr. POLLARD:

Q. Who was at the polls and told you that your name was not on the list, and that you couldn't vote?—A. Somebody inside of the window.

29 Q. You don't mean to say they were Republicans. You don't know what their politics were?—A. They were inside of the window.

Q. You wanted to vote the straight Republican ticket, without any change?—A. Yes, sir.

Q. You are Republican, and didn't want want to vote anything else?—A. Yes, sir.

By Mr. DONOVAN:

Q. When did you vote before?—A. I voted when Hayes run. I wasn't in this city then. I was at Arnell Junction, Missouri, working on a railroad, on the Richmond and Lexington Junction.

30 Q. When did you cast any ballot in this city previous to the one that you wanted to cast on election day?—A. That was about two weeks previous to the election.

Q. I mean when had you voted here?—A. I never voted before in the city.

Signature waived.

31 EDWARD JOHNSON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Edward Johnson.

Q. Where do you live?—A. 1128.

Q. What street?—A. North Eighth.

Q. Rear or front?—A. I live in the rear, sir.

Q. How long have you lived there?—A. I have lived there two years.

Q. How long have you lived in Saint Louis?—A. I have been here five years, off and on. I have been steamboating, but I have been here steady for two years.

Q. How old are you?—A. I am thirty-five years old.

32 Q. Where were you born?—A. Richmond, Virginia.

Q. You have always lived in the United States?—A. Yes, sir.

Q. You are a colored man?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. I went there, but I didn't register.

Q. Why not?—A. They told me to come back, and I went there twice.

Q. That was before the last election?—A. Yes, sir.

Q. Did you register at the polls?—A. They said my name was not there; I couldn't register or vote.

33 Q. What did you tell them when you went to the poll—I mean what you told those people inside of the poll?—A. I had a ticket. They asked me what was my name, and they looked

for it; they said they couldn't find it. I offered to register, and they wouldn't register me.

Q. Did you tell them you wanted to register?—A. Yes, sir.

Q. Did you tell them where you lived?—A. Yes, sir.

Q. What did they say then?—A. They said my name was not there, and I couldn't vote.

Q. Where were those polls?—A. On Seventh street—between Seventh and Biddle.

Q. Between Seventh and Biddle?—A. Yes, sir.

Q. You don't mean that? Stop and think a minute.—A. It 34 leads right up from Seventh street; and the polls is the—

Q. Right on the corner of Biddle?—A. The polls are on Seventh street, from Biddle; it ain't very far from Biddle; close to Biddle.

Q. Which side of Biddle; this side or the other?—A. This side of Biddle—this side here. (Indicating.)

Q. It is close to Biddle—how far?—A. Yes, sir.

Q. Now, on Biddle and Seventh—was the poll on the river side or from the river?—A. It was from the river.

Q. On the west side of Seventh?—A. Yes, sir.

Q. Well, what ticket did you want to vote there that day if you had been permitted to vote?—A. I would have voted the 35 Republican ticket.

Q. Straight?—A. Straight.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do you know Mr. Smith?—A. No, sir.

Q. He is the colored man that is in charge of the colored brigade?—A. I am not acquainted with him; I seen him just now; I don't know him, sir.

Q. Did he request you to say, when you got on the stand, that you offered to register?—A. No, sir; he didn't request me to say anything.

Q. Now, will you please state here fully what you said at that poll, and what the judges said to you? Give us the conversation.—A. All I said—I went there to register, and he told me I couldn't register; he looked for my name, and he couldn't find it; he said it was not on the books, and I couldn't register. That was all he said to me, sir.

Q. Tell us what you said?—A. I told him I wanted to vote.

Q. I thought so. You went there and said you wanted to vote?—A. Yes, sir.

Q. They looked down the list and said your name was not on the list, and therefore they couldn't take your vote?—A. Yes, sir.

Q. Then that was what you said?—A. Yes, sir.

37 Q. And then you went away?—A. Yes, sir.

Q. And that is the truth of the matter?—A. Yes, sir.

By Mr. POLLARD:

Q. While you were in there you did tell them where you lived?—A. Yes, sir.

Q. You did tell them that you wanted to register?—A. Yes, sir.

(Mr. Donovan, counsel for the contestee, objects to the counsel for the contestant putting this again into the mouth of the witness, which has been repeatedly practiced here. I have asked the gentleman to state just what transpired there, and that we would form our own conclusion.)

(To the witness:)

38 Q. Now, let me say again, you went to the polling window, you offered a ballot?—A. Yes, sir.

Q. You said you desired to vote?—A. Yes, sir.

Q. The judge looked down the registration list, said, "We can't find your name on this list, and therefore you can't vote at this particular polling precinct"?—A. Yes, sir.

Q. You then took your ticket back and went away?—A. Yes, sir.

Q. Now, that is the truth of the matter?—A. Yes, sir.

Signature waived.

39 AUGUST ROEBKE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. August Roebke.

Q. Where do you live?—A. I live 804 Dock street.

Q. How long have you lived in the city of Saint Louis?—A. I have lived in Saint Louis about ten years now.

Q. You were judge of election on last election day, were you?—A. Yes, sir.

Q. At what polls?—A. At precinct 83, Eighth ward.

Q. Mr. Roebke, were there any Chronicle tickets polled at your 40 precinct on that day?—A. There was some there; yes, sir.

Q. Well, there were some there. Were there any polled or voted by the voters and counted by the judges?—A. Yes, sir.

Q. How many?—A. I couldn't tell; there was very few taken, and one was rejected. The one I rejected I found in the ballot-box, so I told all the judges there, because I was in there when it was taken in that I was not going to count it; and I tore it up. It was not counted.

Q. Was there any other Chronicle ticket voted and counted that you know of?—A. Yes, sir; there was a few there, and they were counted; but I can't tell how many there was; there might have been 41 five.

Q. Were there any transfers made at your poll on that day by the judges or supervisors?—A. No, sir; none as I know of.

Q. I mean by the registrar?—A. There was none there that I know. There was always somebody there that knew them and saw they got registered.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You are Republican?—A. Yes, sir.

Q. And were acting there as a Republican judge?—A. Yes, sir.

Signature waived.

42 WM. BECKER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. William Becker.

Q. Where do you live?—A. I am living at 1609 Warren street.

Q. How long have you lived there?—A. I have lived there seven months now.

Q. How long have you lived in Saint Louis?—A. This spring it will be eleven years.

Q. How old are you?—A. I am twenty-eight; twenty-nine this spring, in May.

Q. Did you ever register at the city hall?—A. Yes, sir; before, but not this time.

43 Q. How long ago since you registered at the city hall?—A. Well, it is about the last Presidential election before this one, you know.

Q. Some four years and over ago?—A. Yes, sir.

Q. Where were you then living?—A. 1352 North Eleventh.

Q. How far is that from 1609 Warren?—A. Well, I suppose it is about twenty squares.

Q. It is not in the same precinct?—A. No, sir; no.

Q. Did you get a transfer at any time?—A. No, sir.

Q. To 1609 Warren?—A. No, sir.

Q. You never did get any transfer?—A. No, sir; of course, I was working there at the shop; there was two hundred or three hundred people at the shop and lots went before me there and tried to get transferred, and they said they couldn't be transferred. So when I went up to the polls, they said I couldn't vote. I asked them why; they said I was not living long enough at the place 1609 Warren street, and I says, of course there was lots of fellows with me; I told them I could vote, so I put my ticket in and I signed my name and number on the envelope.

Q. What did they do with the envelope?—A. They put it up in an envelope and put it in the box.

45 Q. What polls did you go to, Mr. Becker?—A. Seventeenth and Saint Louis avenue, southwest corner.

Q. What did they tell you when you went there and offered to vote?—A. They all told me if I was transferred; I told them, "No," that I couldn't be transferred; they said, "No; that I couldn't vote;" they told me so, and that was the reason I can't vote, when I put my ticket in the envelope.

Q. What ticket did you vote?—A. The Republican ticket; straight ticket.

Cross-examination waived.

Signature waived.

46 BOB PERRY, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Bob Perry.

Q. Where do you live?—A. On Eighth street.

Q. Whereabouts on Eighth?—A. Between Carr and Biddle.

Q. Do you know the number?—A. 1122, sir.

Q. How long have you lived there?—A. About thirteen years, as well as I can guess at it.

Q. Right in the same house?—A. Yes, sir,

Q. Is that in the rear?—A. Yes, sir, back in the rear.

Q. How old are you?—A. Well, I don't know, sir, my age.

Q. About how old are you?—A. About thirty, I guess; I 47 don't know my age.

Q. You are a colored man?—A. Yes, sir.

Q. Did you ever register at the city hall, Mr. Perry?—A. Yes, sir.

Q. When?—A. When the election was there.

Q. This last fall election?—A. Yes, sir.

Q. Was that the first time you ever registered there at the city hall?—A. Yes, sir.

Q. How long before the election was that, Mr. Perry?—A. I don't know, sir; I don't know, sir, how long it was.

Q. Was it a day, or a week, or two weeks, or three weeks?

WITNESS. Before the election came off?

COUNSEL. Yes.

A. Well it was about three weeks.

48 Q. Now, did you go to the polls on election day?—A. Yes, sir.

Q. Whereabouts were those polls?—A. They was on Seventh street, Seventh and Carr.

Q. On the corner of Seventh and Carr?—A. Yes, sir.

Q. Which side of Seventh street was it, Mr. Perry?—A. On this side; the south side, sir.

Q. But Seventh street runs north and south; was it on the river side or from the river?—A. From the river.

Q. Was it on the west side?—A. Yes, sir, west side.

Q. Which side of Biddle was it? Or whereabouts did you say the poll was?—A. Seventh and Carr.

49 Q. Did you find your name on the poll book when you went to the poll that day?—A. No, sir, they said that they couldn't find it.

Q. Couldn't find it?—A. No, sir.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. They said they couldn't find my name; I told them, "Well, I think I have a right to vote."

Q. What ticket did you want to vote, Mr. Perry?—A. I wanted to vote the Republican ticket.

Q. And you didn't vote at all?—A. No, sir. The poll was on Seventh and Biddle; I have made a mistake.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Did you not mistake your poll?—A. No, sir.

50 Q. Do you know the lines of the voting precinct in which 1123 North Eighth street is situated?—A. No, sir.

Q. Then you may have mistaken your poll?—A. I may be mistaken then.

Q. When you went to the city hall to register you gave your residence as 1122 North Eighth?—A. Yes, sir.

Q. You are sure of that?—A. Yes, sir, I am sure of that.

Q. That is what you told the clerk there?—A. That is what I told the clerk there; 1122 North Eighth.

Q. Are you not mistaken about not having previously registered?—A. No, sir. It is 1128—let me see—1122, aint it? It is '28 and the next is 1121, and the next is 1122.

51 Q. What is the number that you gave to the clerk at the recorder of voters' office?—A. I gave him 1122; it must be 1122; that is right.

Q. When did you vote previous to the last election?—A. I never voted but once. I registered my name, but I didn't vote at all. I never had voted here. I tried to vote and I couldn't get in there.

Q. Are you married or single?—A. Married, sir; married man, sir.

Q. What is your business?—A. Laboring.

Q. Can you read?—A. No, sir.

Q. If you can't read, how do you know that you had a Republican ticket?—A. Well, a friend of mine there that could read he told me.

Q. He said it was a Republican ticket?—A. Yes, sir.

52 Q. Was he a Republican or a Democrat?—A. He was a Republican man.

Q. How do you know he was a Republican?—A. Well, he said he was, of course.

Q. And you took his word for it?—A. Yes, sir.

Q. He might have given you a straight Democratic ticket.—A. No, sir; I don't think he was that kind of a man.

Q. You had never seen him before you went to the polls?—A. Yes, sir; I have seen him several times.

Q. You don't think he would deceive you?—A. No, sir; I don't.

Q. Well, you went there and offered your vote; the judge looked down the list and said, "Why this is not on our poll book; your name is not on this list," and you took your ticket and went away.—A. Yes, sir.

Q. And that is all you did?—A. Yes, sir.

By Mr. POLLARD:

Q. Did you pay particular attention to all there was in the gentleman's last question? Did the judges tell you that that was not the proper precinct, or did they say nothing about it?—A. They didn't say anything about it.

Q. You must pay attention when he asks you a question so as to know what you must answer.—A. Yes, sir.

By Mr. DONOVAN:

Q. They said your name was not on the list at all?—A. No, sir.

By Mr. POLLARD:

Q. I want you to think this matter over and just tell us where that poll was that you went to.—A. It was on Seventh and Bidle or Seventh and Carr.

Q. Now, that is it exactly; you have given it both ways, think a moment.—A. That side, sir.

Q. That is the north side?—A. Yes, sir.

Q. On which street?—A. Carr street.

Q. North side of Carr?—A. Yes, sir.

Signature waived.

55 GEORGE HARRIS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. George Harris.

Q. Where do you live?—A. 1004 North Seventh, in the rear.

Q. How long have you lived there?—A. About eleven months, as near as I can remember.

Q. How long have you lived in the city?—A. I was born and raised here.

Q. How old are you?—A. I will be twenty-three the twenty-second day of March.

Q. Did you ever register at the city hall?—A. No, sir.

Q. Never went there at all to register?—A. No, sir.

56 Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Do you know where the polls were that you went to on election day?—A. Yes, sir.

Q. Where were they?—A. They were on Fifth and Carr.

Q. Do you know which side of Fifth they were on?—A. Yes, sir.

Q. On the river side or from the river?—A. From the river.

Q. On the west side?—A. Yes, sir; the west side.

Q. Did you register at the polls on that day?—A. No, sir.

Q. Why not?—A. They told me I couldn't register.

Q. They told you you couldn't do it there?—A. Yes, sir.

57 Q. What reason did they give?—A. That I can't say. I asked them, and they wouldn't tell me.

Q. Did you tell them where you had lived before?—A. Yes, sir.

Q. And how long you had lived there?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. What ticket would you have voted if they had permitted you to register and vote?—A. The Republican ticket.

Q. Straight?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. They told you at the polls that you could not vote because your name was not on their list?—A. He told me I couldn't vote.

58 Q. That is what the judge said to you?—A. Yes, sir.

Q. That is, you offered your ballot and gave your name?—A. Yes, sir.

Q. He looked down the registration list, informed you that your name was not on the registration list at that particular poll, and therefore you could not vote? That is what he said? Is that the truth or not?—A. Yes, sir.

Q. And that is the truth, the whole truth?—A. Yes, sir.

Q. And all the facts?—A. Yes, sir.

Q. And you went away?—A. Yes, sir.

Signature waived.

59 LEWIS SMELTZER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Lewis Smeltzer.

Q. Where do you live?—A. In Lowell, on Hawthorne avenue, betwixt Fourth and Fifth.

Q. How long have you been living there?—A. I have been living there six years.

Q. Do you know Dabney Murray?—A. Yes, sir.

Q. He is a colored man, isn't he?—A. Yes, sir.

Q. How long have you known him?—A. I have known him for about ten years.

Q. Where does he live?—A. He has moved since the election.

60 Q. Where did he live on election day?—A. He lived at Lowell, sir, out on Winter street, near Water street.

Q. Did he live in the precinct where you voted, and where all the Lowell people voted on election day?—A. Yes, sir; he did.

Q. Now, how old is he—about how old?—A. I can't tell.

Q. Is he more than twenty-one?—A. He is a man, I suppose, of about thirty or thirty-one or thirty-two.

Q. Do you know whether he went to the polls on election day?—A. He did; he come to the polls.

Q. Do you know whether he did vote?—A. He did vote. We got him. He is a paralyzed man. We carried him in.

Q. Now, he was at the polls that day, and afterwards voted?

61 —A. Yes, sir.

Q. Do you know what ticket he voted?—A. Well, I suppose it was the Republican ticket.

Q. You know him to be a Republican?—A. Yes, sir; we was of that determination out there—all the colored people—and we supposed it was a Republican ticket, because one of our men gave him the ticket.

Q. Do you know what was done with that ticket after it was handed in by him?—A. I couldn't tell you, sir.

Q. Did you see it put into the box?—A. We all looked at him when he put it in.

Q. But whether it went inside of the box you don't know?—A. We don't know; we couldn't see.

62 Q. He has lived in the city for years?—A. He has lived right in Lowell there for about three years.

Cross-examination by Mr. DONOVAN, counsel for contestee.

Q. How far did you have to carry him?—A. From the wagon across the street.

Q. And he registered and voted and his vote was put in the box, and he went away?—A. Yes, sir; he went away.

By Mr. POLLARD:

Q. This man is a paralyzed man, so he can't go about?—A. Yes, sir.

By Mr. DONOVAN:

Q. If he could be brought to the polls he could be brought to this room, a comfortable office like this?—A. Yes, sir; he has a boy to drive 63 him; he goes around and makes his way.

Q. And he drives around through the city?—A. He drives through the city. He often came there.

By Mr. POLLARD:

Q. But he can't get out and go upstairs without he is brought?—A. No, sir; he can't get out and go upstairs without he is brought.

By Mr. DONOVAN:

Q. But there is an elevator in this building?

(Mr. Pollard, counsel for contestant, admits that there is an elevator in this building so that the gentleman does not have to walk upstairs.)

Q. Do you know that in answer to the question by the contestee's counsel you were made to say that you saw this ballot go into the 64 box?—A. Well, no; I can't say that; I saw him put it through the hole.

Q. That is all that you know was done down there?—A. That is all.

By Mr. DONOVAN:

Q. Have you any reason to believe that the ballot was not counted, or not placed in the box?—A. I couldn't tell that.

Signature waived.

65 AUGUST WASHAUSEN, produced, sworn, and examined on the part of contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. August Washausen.

Q. Where do you live?—A. 1013 North Thirteenth street.

Q. How long have you lived there?—A. Five months.

Q. How long have you lived in Saint Louis?—A. A little over six years.

Q. How old are you?—A. Twenty-eight.

Q. How long have you lived—how long have you been in this country?—A. Six years.

Q. Have you ever got out your naturalization papers?—A. Yes, sir.

66 Q. Did you ever register at the city hall?—A. Yes, sir.

Q. Where did you live before you came to 1013 North Thirteenth?—A. Fourteenth and Carr.

Q. Were you living there when you registered?—A. I registered before from 1420 Carr.

Q. When did you move to number 1420 Carr?—A. Fourteenth and Carr?

Q. When did you move from Fourteenth and Carr to 1013 North Thirteenth? Is that the way of it?—A. Yes, sir.

Q. How far are those three places apart? Are they in the same block?—A. Yes, sir; all three in the same block; no, no, all three in the same voting precinct.

Q. Did you ever vote while you were living at 1420 Carr?—A. Yes, sir.

67 Q. You were registered while you were living at 1420 Carr?—A. Yes, sir.

Q. You were registered while you were living there?—A. Yes, sir.

Q. Did you go to the polls on last election day, the 2d of last November?—A. Yes, sir.

Q. Where were those polls?—A. 1418 Carr street.

Q. When you went to the polls did you find your name on the poll book?—A. No.

Q. It had been stricken off?—A. Yes.

Q. Did you offer to vote there at the poll?—A. Yes.

Q. Did you vote?—A. I was down to the city hall the same day, but they told me that I couldn't register. At the city hall they told 68 me to go to the polls and get registered there, and when I got there they wouldn't do it.

Q. Well, did you vote after that? Did you hand in your ballot in at the window?—A. No, sir.

Q. Did you vote at all?—A. I gave my vote to some judge in there, and he put the vote on a string.

Q. Did you write your name on it?—A. Yes, sir.

Q. What ticket did you hand in there?—A. Republican.

Q. Straight Republican ticket?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you read English?—A. No, sir.

69 Q. How did you know that you held in your hand a straight Republican ticket?—A. Well, I read that much.

Q. Was it headed Chronicle ticket, or straight Republican ticket?—A. Straight Republican ticket.

Q. Whose name was on it for President?—A. Garfield.

Q. Whose name was on it for governor?—A. I forgot the name.

Q. Don't hesitate so long. You seem to be a very intelligent gentleman and a white man, and ought to know who you were voting for for governor of the State of Missouri.—A. I don't remember the name now.

Q. Mr. Frost's name was on it for Congress?—A. No; Sessinghaus's was on it.

70 Q. You say that the houses to which you removed after you registered were in the same voting precinct. Will you please give us the lines of that voting precinct.—A. From Wash to Biddle, and from Thirteenth to Fifteenth.

Q. You live on the opposite side of Thirteenth street?—A. The west side.

Q. After you changed your residence, you didn't go to the city hall to obtain a transfer?—A. No, sir.

Q. And the judges told you at that poll that if you had previously registered they had no power to transfer you at the polls, in case you had removed from the previous place of registration?—A. No; they told me to go again to the city hall.

Q. To obtain a transfer?—A. I didn't want to do that. I went 71 down and took my ticket, and put my name on it.

Q. You, then, did not take the trouble to obtain a transfer?—A. I was down there from ten to two o'clock, and I couldn't stay no longer.

Q. So you didn't wait and didn't get it?—A. No.

Q. Was this on election day that you were at the city hall from ten to two?—A. Yes, sir.

Signature waived.

At this point a recess was taken until half-past one o'clock this afternoon; at which time all parties in interest being duly assembled and announcing themselves ready to proceed, the examination of witnesses was thereupon resumed, and the following testimony duly elicited.

72 JOSEPH TURNER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Joseph Turner.

Q. Where do you live?—A. I live on Biddle street.

Q. What number, do you know?—A. Yes, sir; 909.

Q. How long have you lived there?—A. I have lived there a little over two years.

Q. How long have you lived in the city of Saint Louis?—A. Well, altogether about eight years I have been in the city.

Q. How old are you?—A. Well, sir, as near as I can come at it, about twenty-eight.

73 Q. You are a colored man; you were born in this country and have always lived here?—A. Yes, sir; I was born in Clark County, Missouri.

Q. Did you ever go to the city hall to register?—A. Yes, sir.

Q. When?—A. The time of the Presidential election this fall.

Q. This last election?—A. Yes, sir.

Q. Just before the election?—A. Yes, sir.

Q. Did you register?—A. Well, I couldn't get in; they wouldn't let me; they wouldn't accept me. I got up to the counter and I talked to the gentleman behind the counter.

Q. What is the reason they wouldn't register you?—A. I don't know. They told me to stand back; there was six of us there at that time.

74 Q. About how long before the election was that?—A. About two weeks.

Q. They told you to stand back?—A. Yes, sir.

Q. Did you try again after they told you to stand back?—A. No, sir. I went down to the polls between Ninth and Tenth on O'Fallon street.

Q. On which side of O'Fallon?—A. On the south side.

Q. Well, what did you do there?—A. I tried to get registered there so that I could vote. They told me there to stand back.

Q. And didn't let you register there?—A. Yes, sir.

Q. Did you tell them where you lived?—A. Yes, sir.

75 Q. Did you tell them how long you had lived there?—A. Yes, sir.

Q. What did they say?—A. They said, "You stand back awhile."

Q. And you did stand back awhile?—A. I went away then.

Q. What ticket would you have voted if you had been permitted to register and vote?—A. I would have voted the Republican ticket. That was my calculation.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. There was a crowd of voters standing at the polls at the time?—
A. There was plenty of chances; I could have got in.

76 Q. Will you please answer my question; was there or was there not a crowd of voters standing at the polls at that time ready to cast their ballots?—A. There was a good many of them, sir.

Q. They told you to step aside for awhile inasmuch as your name was not on the list?—A. They told me to step aside.

Q. You did step aside and didn't take interest enough to go there again?—A. I went there once.

Q. They told you, "Please step back, because here are people whose names are on the list, we want to receive their ballots".—A. I was just as close as any one.

Q. They asked you respectfully to step aside for awhile, and
77 you did step aside?—A. They told me to get out of the way.

Q. You took no further interest in the matter?—A. I applied twice. I thought that would do.

Q. Now, what was the second time that you went there?—A. Well, I went there the second time the next day.

Q. Several times the day after the election?—A. Yes, sir.

By Mr. POLLARD:

Q. Did you understand that question? Just read that question to him, Mr. Notary.

Question read by notary.

By Mr. POLLARD:

Q. Now, I want to know if you mean that you went to the city hall several times after that?—A. No, sir; I went to the city hall once,
78 then I went to the polls on Ninth and O'Fallon street, on the south side.

By Mr. DONOVAN:

Q. You say you went to the poll the day after the election, several times?

Mr. POLLARD. Let me caution you in this, that if you don't fully understand what he says in his question, don't answer it till you do understand it.

A. I don't understand him at all. I have done all I have got to say.

By Mr. DONOVAN:

Q. My question, Mr. Turner, is this: Did you go there several times the day after the election?—A. There is no several times about it. I went there the second time.

Q. The day after the election?—A. Yes, sir.

79 Q. Now, you understand that? Isn't that a plain question?—
A. I understand you plain enough.

Q. Did you vote in this city previous to this last election?—A. At Hayes's election. That has been how many years ago?

Q. You went there?—A. I got in a vote for him then.

Q. Now, where were you registered from then?—A. I have forgot now. You have got me tangled up now, sure.

Q. Where did you live when you registered and voted at the Hayes election four years ago?—A. I lived in the country.

Q. How far from your residence at 909 Biddle street?—A. I lived out here at Cheltenham.

80 Q. How many miles was that from 909 Biddle street?—A. Oh, I don't know.

By Mr. POLLARD:

Q. About how many?—A. I can't tell you.

By Mr. DONOVAN:

Q. Well, is it one, two, three, four, five or how many miles?—A. They call it five miles from the court-house out there.

Q. It is not in the same voting precinct that you previously registered from?

Mr. METCALFE. It is admitted that it is not in the same precinct; that the two places are not in the same precinct. It is also admitted that Cheltenham is not in the city.

By Mr. DONOVAN:

81 Q. You were registered from Cheltenham when you voted for Hayes for President?—A. I was living out there, out of the city.

Q. Now, after you moved from Cheltenham to the city, did you go to the city hall to notify them of the fact that you had moved?—A. I went to the city hall this last vote. I tried to get registered, but I couldn't.

Q. When you went to the city hall you didn't notify them that you had removed, because there was a great crowd therè? Is that a fact or not?—A. I am done. I aint got any more to say to you. I only came up here to tell my story, sir.

By Mr. POLLARD:

82 Q. He wants to know whether you told them at the city hall that you had registered at Cheltenham?—A. No, sir; I did not. That was three, four, or five years ago; they didn't think of that at the last election.

By Mr. DONOVAN:

Q. I am simply asking you whether you did not register when you voted for Hayes?—A. We aint talking about Hayes now.

By Mr. POLLARD:

Q. He is asking you about your registration?—A. I aint got much—

Q. You didn't register at Cheltenham, did you, when you voted for Hayes?—A. I couldn't register out there, of course not.

By Mr. DONOVAN:

Q. Where did you register from when you registered previously? Witness does not answer.

83 By Mr. POLLARD:

Q. He wants to know whether you ever had registered before you registered last fall. That is what he wants to know.

Witness does not answer.

Q. You never had registered at all before you registered last fall, had you? You never had registered at the city hall until you registered here last November, until you went there to register?—A. Yes, sir.

By Mr. DONOVAN:

Q. You voted for Hayes?—A. I did.

Q. Where were you living when you voted for Hayes?—A. I was working out there at Cheltenham at the time.

84 Q. And you registered before you voted?—A. Yes, sir.

Q. And Cheltenham is five miles from where you lived on the last election day? Is that a fact or not?—A. Oh, I don't know how far the miles is.

Q. Well, after you moved from Cheltenham, you didn't notify the officers and obtain a transfer?—A. I haven't got time to run around and look after the business all the time.

Q. You just neglected to obtain a transfer, because you didn't have time to obtain it, having something else to do?

Witness does not answer.

Q. Please tell us the facts of your case.—A. I can't answer. It gets away with me.

85 Q. Don't you know whether or not you notified the authorities at the city hall as to your removal from Cheltenham to 909 Biddle? Have you any difficulty in understanding that question?—A. No, sir.

Q. Well, just please answer it, then?

Witness does not answer.

By Mr. POLLARD:

Q. Tell him whether you did or not.—A. I didn't.

By Mr. DONOVAN:

Q. Now, where did you live just previous to living at 909 Biddle?—A. I lived out there at Cheltenham before I moved in the city here.

Q. What other place than 909 Biddle street did you live at while residing in the city of Saint Louis?—A. I lived there since I been in town.

86 Q. Are you a married man?—A. I am.

Q. What is your business?—A. I work down at the Anchor Line Company on the wharf-boats; on the Memphis wharf-boats.

Q. You are a river man?—A. I work on the wharf-boat. I don't know what you call it.

Q. Now, were there many colored men behind you when you approached the poll?—A. There was six of us at the time.

Q. The other colored men voted?—A. No, sir, they didn't vote; they couldn't get to vote because they couldn't get—(Pausing.)

By Mr. POLLARD:

Q. Registered, you mean?—A. Registered, yes, sir; there was six of us.

87 Mr. DONOVAN. I must again object for about the two hundredth time, to the counsel for the contestant informing the witness what he must say when he is on the stand.

WITNESS. I didn't come here for no fooling.

Q. You are proceeding now to volunteer the statement; now please complete it.

Mr. POLLARD. Just answer the questions that are asked you and no more.

By Mr. DONOVAN:

Q. You were proceeding to make a statement when you were again interrupted. I would like to hear the statement whatever you have 88 to make in regard to this matter.—A. I have nothing else to say.

Q. Tell us again fully all that you said and did at that poll on that day.

WITNESS. Give it over to you again, do you mean?

Mr. POLLARD. Yes.

WITNESS. I told you I went to the city hall to try to get registered there and I couldn't.

By Mr. DONOVAN:

Q. On account of the crowd!—A. I couldn't get in; at least they didn't want me to go in; so I went down to O'Fallon street, between Ninth and Tenth—us six fellows—to try to get registered there, but we couldn't make it there, so I just gave it up.

Q. Did you come here to earn seventy-five cents?

89 WITNESS. Me!

Mr. POLLARD. Yes; answer his question. "Did you come here to earn seventy-five cents?"

A. I just come to see whether I could do justice or not.

By Mr. DONOVAN:

Q. What do you know about justice?—A. I want my right.

Q. What is your right?—A. I don't think it was right to keep a fellow from voting when he could vote.

Q. How long did you stop at the poll?—A. A little over two hours.

Q. You were positively too lazy to go there again to see whether you could vote?—A. I tried it. I staid over two hours, as near as I can come by it.

90 Q. What do you say was said to you?—A. Well, the man that was standing behind the desk there, told me and the other fellows to get out of the way.

Q. Then, when you went two or three times afterwards, what did they say to you?—A. They told us "No."

Q. For what reason?—A. They gave us no reason.

Q. There were other colored men at the poll, and many Republican canvassers; didn't they see to the matter?—A. There were many there, but they didn't get registered, and didn't get to vote either.

Q. Now, you are giving us a good deal of general talk. I would 91 like you to tell us fully just what you said and did every time you went to that poll.

Witness does not answer.

Mr. POLLARD. Tell him again.

A. I went to the city hall the first time, and I couldn't get registered there.

By Mr. DONOVAN:

Q. Because you were too lazy or too indifferent to remain there and attend to the matter?—A. No, sir; I never is too lazy to do right.

Q. Well, you didn't attend to it when you went there?—A. I went there on—

Q. And because there was a crowd you didn't wait there?—A. I was just as close to them as I am to you.

Q. The place was filled with Democrats and Republicans, black 92 and white, waiting to be registered and get away?—A. I was in no hurry at all.

Q. Well, you didn't remain?—A. I staid over two hours.

Q. But you did not remain there on account of the crowd that was there? Is that the truth of your case or not?—A. I raised my right hand and swore to-day before this gentleman (the notary), and I wouldn't have done it if it was not the truth.

Q. And you went away without being registered?—A. Yes, sir.

Q. Now, who brought you here?

WITNESS. Who brought me here?

Mr. POLLARD. Yes; that is his question; answer his question and let's get through.

A. I came up here..

93 By Mr. DONOVAN:

Q. There is my question. It is simply this: Who brought you here? Who notified you to come here?—A. I just come myself.

Q. Who invited you to come here?

By Mr. POLLARD:

Q. What is the man's name who told you to come here? That is what he wants.—A. Johnson, I believe his name is.

By Mr. DONOVAN:

Q. Who is Johnson?

Witness does not answer.

By Mr. POLLARD:

Q. Tell him, if you know, who the man Johnson is that invited you to come here. If you don't know, say so.—A. I am not acquainted with him; I think his name is Johnson.

By Mr. DONOVAN:

Q. Is he white or black?—A. He is a colored gentleman.

94 Q. Do you know him?—A. I know him by sight.

Q. What did he tell you to say when you took your place on the stand, Mr. Turner?—A. He didn't tell me nothing.

Q. Well, what did he say to you when he approached you?—A. He didn't say a word to me at all. He didn't tell me nothing.

Q. He just came up, took a look at you, and walked away? Is that the fact or not?

Witness does not answer.

By Mr. POLLARD:

Q. He gave you that subpoena that you have got there?—A. Yes, sir.

Q. And you came in obedience to that subpoena?—A. Yes, sir.

By Mr. DONOVAN:

95 Q. Now, why didn't you say that when you were asked by me?

Witness does not answer.

Q. Mr. Turner, will you please tell me why you didn't tell the truth

of the matter when you were asked about it?—A. He gave me this here subpoena to come up here.

Q. Who had you spoken to before you saw him?—A. Nobody at all.

Q. Never spoke to anybody about any fact within your knowledge?—A. No, sir.

Q. Nobody asked you before?—A. No, sir.

Q. Nobody knew what you knew?—A. No, sir; I don't suppose they did.

Q. Did you know the registering officer at the poll to which you applied?—A. I did not, sir.

96 Q. Did you endeavor to see him?—A. I tried my dogondest to get to him, but he wouldn't notice me.

Q. Where was he at?—A. Standing behind the desk.

Q. You saw people going in and out of the polling place?—A. There was plenty of them there, and I was there, too.

Q. Black and white?—A. Yes, sir.

Q. Why didn't you go in there and get registered?—A. I had went in to him.

Q. Oh, now, well, we understand you. You have been telling us what conversation you had with the gentleman when you were inside. Now, please tell us the whole conversation which you had with the registrar as soon as you went in to see him.

97 Witness does not answer.

By Mr. POLLARD:

Q. What did you say to the registrar? Go on, answer his question.—A. I aint going to say any more.

By Mr. POLLARD:

Q. Answer his question. We want to get through to-day. He wants to know what you said to the registrar.—A. I went there to try to get registered, and he wouldn't consent to it.

By Mr. DONOVAN:

Q. Were you talking to the registrar or to the judge?—A. To the man at the window, the registrar.

Q. You didn't say anything to the judge?—A. I didn't say anything to the judge.

98 Q. Did you go there to vote?—A. I went there to get registered, so that I could get to vote.

Q. Did you offer any ballot there?—A. Oh, no; no.

Q. So the registrar told you to step aside awhile?—A. He didn't say no "while" about it.

Q. Told you to please step aside?—A. He didn't say "please," he said "Get out of the way, get back."

Q. And yet you remained there two hours, and talked with white men and colored men who were active Republican partisans, and didn't feel any more interest in it?—A. I couldn't get to register, and I couldn't get to vote. I tried at both places.

Q. You were not hurt, were you?—A. Oh, no.

99 Q. You were perfectly free to come and go there?—A. Yes, sir; I was there, sure.

Q. Now, didn't you just simply come here to earn seventy-five cents, without having anything particular to say in regard to this controversy?—A. No, sir; I didn't come up particular for that.

Q. You were told you would get seventy-five cents if you would come

up here and state that you wanted to register, and couldn't register!—
A. No, sir; I didn't. I don't care whether I get it or not.

Q. Now, the registrar was on the inside of this room, at a table where he was performing his duties? Is that a fact or not?—A. I don't know.

100 Q. You don't know much about it?—A. I told you all I know about it.

Q. Well, you don't know whether you were talking to the registrar, or a clerk, or a judge, or to an outsider, or to anybody else?—A. Yes, sir; I know I was talking to the registrar; I know him.

Q. Well, he had a seat inside of the room away from the window?—
A. I was talking to the man that gave the registration tickets.

Q. Who stood at the window; the judge or the registrar?—A. I don't know who he is; whether the judge or the registrar, or what they call him.

Q. That is just what I have been after. You don't know who
101 you were talking to, or what they said to you or what you said to them?—A. Yes, sir; I do. I aint that big a gump.

Q. Now, who did you talk to? Did you talk to the registrar, the clerk, or the judge?—A. I talked to the registering man or officer, whatever he is.

Q. Where was he standing?—A. Standing behind the desk.

Q. In the room?—A. Yes, sir.

Q. You went into the room?—A. I did.

Q. Do you know his name?—A. I do not.

Q. There were other colored men there with you?—A. There were six of us together then.

Q. Who brought you there?—A. I went myself.

102 Q. Those other six men were friends of yours?—A. They were men that I knew; I work with them.

Q. Who sent you up there?—A. I went myself. Nobody didn't send me.

Q. How much pay did you get for going there?—A. I don't want no pay.

Q. Now, didn't you receive money for going there?—A. No, sir.

Q. Didn't you receive some compensation or reward?—A. No, sir.

Q. Well, you didn't offer any ballot at all?—A. No.

Q. Although you hung around there for two hours?—A. Yes, sir.

By Mr. POLLARD:

Q. Cheltenham is not in the city of Saint Louis, is it?—A. No, sir.

103 Q. You didn't go to register after election day was over at all?
—A. No, sir; no, I went to the poll.

(Signature waived.)

104 Mrs. LIZZIE LEAR, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name, madam?—Answer. Mrs. Lizzie Lear.

Q. Where do you live?—A. On Sixteenth, between Biddle and O'Fallon.

Q. Do you know the number of your house?—A. Yes, sir; 1221.

Q. North Sixteenth street?—A. Yes, sir.

Q. How long have you lived there, Mrs. Lear?—A. Nine years.

Q. Do you know P. C. Morris?—A. Well, I know him well. He aint here now.

Q. Did he use to live at 1225 north Sixteenth?—A. Yes, sir.
105 Q. How long is it since he moved away from there?—A. His wife, she was living there, it is just a month or two ago. Then she moved over there between O'Fallon and Cass avenue. He isn't here now.

Q. How long is it since he has been here?—A. I don't know how long; but it isn't a year.

Q. He hasn't been here for a year?—A. No, sir.

Q. Do you know him and his family very well?—A. Yes, sir. I don't know exactly what his first name was; I am not sure about his first name.

Q. Is there any other Morris living at 1225 North Sixteenth?—A. No, sir.

Q. He is the only Morris that lived there?—A. Yes, sir; that 106 is all that I know of; and I know every one that lived there.

Mr. DONOVAN. I do not desire to cross-examine you, madam.

Signature waived.

107 DANIEL WEBSTER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name, sir?—Answer. Daniel Webster.

Q. Where do you live?—A. I live on Eleventh street. There is the number on this paper. (Handing paper to counsel.)

COUNSEL. (Reading.) 2618 North Eleventh. Is that the correct number?—A. Yes, sir; I have lived there four years.

Q. Is that in the front or rear?—A. It is in front.

Q. How long have you lived in the city, Mr. Webster?—A. I don't know. I have lived there since the first year the war ceased; that is about twenty-three years; aint it?

Q. How old are you?—A. I am about—near forty.

108 Q. You are a colored man; you were raised in this country, and have always lived here?—A. No, sir; I was bred and born in Kentucky.

Q. I mean in the United States?—A. Yes, sir.

Q. Did you ever go to the city hall to register?—A. No, sir; I didn't go there to vote nor to register, but I went there and had my number transferred.

Q. When?—A. That is four years ago this last fall.

Q. Were you then living at 2618 North Eleventh?—A. Yes, sir.

Q. The same place where you are now living?—A. Yes, sir.

109 Q. Did you then vote from that place?—A. Yes, sir.

Q. You voted for Hayes for President four years ago?—A.

Yes, sir.

Q. Now, did you go to the polls this last November election?—A. Yes, sir.

Q. Where were those polls?—A. I went to Eleventh and North Market street—no, on Twelfth and North Market—that's it, and they said my name was not found there, and then I went down to North Market between Ninth and Broadway.

Q. Did they find your name on North Market?—A. No, sir; they couldn't find it. I went there with my ticket and they couldn't find my name, so I couldn't vote.

Q. What ticket did you have in your hand? What ticket did you intend to vote?—A. For Sessinghaus.

Q. Did you propose to vote the straight Republican ticket?—
110 A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you read, Mr. Daniel Webster?—A. No, sir.

Q. Did you have a ticket in your hand?—A. I got a ticket from my boss out at the yard.

Q. Who is your boss?—A. Hermann Schwartz, Eau Claire Lumber Company.

Q. Do you know what his politics are?—A. From what he talks he is a Republican man.

Q. You judge from the way he talks that he is such?—A. Yes, sir. Of course, after he gave me a ticket I had several friends read it, and they said it was a Republican ticket.

111 Q. You did not take his word for it?—A. Yes, sir; I can't read.

Q. You told him that you were going down there to vote the Republican ticket?—A. Well, he gave me a ticket.

Q. He gave you a ticket and said you must go down there and vote that ticket?—A. Yes, sir.

Q. When you registered some years ago, where did you live?

WITNESS. Me?

COUNSEL. Yes, you.

A. I lived on Eleventh street, between Howard and Brooklyn.

Q. How far is that from 2618 North Eleventh?—A. Let me see. I can't say exactly, but it is five or six blocks south of there.

Q. It is not in the same voting precinct?—A. When I first registered I registered there—the first year I voted.

Q. But you didn't get your transfer?—A. My transfer. When I transferred I voted on Twelfth and Benton.

Q. Oh, then, you moved several times?—A. No, sir; I aint moved since I voted before.

Q. Well, 2618 North Eleventh isn't Benton street?—A. No, sir; it is between Warren and Montgomery.

Q. It is a good distance from that?—A. I was near that; I lived down between Howard and Brooklyn the first time I registered.

Q. How far was that from 2618 North Eleventh?—A. I say, I don't know exactly; it is about five or six squares, I think. I don't know exactly?

113 Q. You appear to have made many removals?—A. No, sir; I says, this is the first time I registered, then I lived on Eleventh street, between Howard and Brooklyn, that is after four years' renting; the next time I had my name transferred to Eleventh street between Montgomery and Warren.

By Mr. POLLARD:

Q. That is 2618?—A. Yes, sir; right where I am living at now.

By Mr. DONOVAN:

Q. When did you make that removal?—A. I made that about—I don't know exactly, but after the first time I voted I made a move, and then I had my number transferred at the city hall.

Q. I ask you, when was that?—A. I couldn't tell the day of the month.

114 Q. I don't care about the day of the month, I will be satisfied

with the year?—A. If I was a man that could read and write I could tell you, but as I can't do either, I don't keep the number of the year.

Q. Do you know whether you were transferred at all?—A. Yes, sir; I do.

Q. That is your opinion, but you couldn't tell the year in which it was done?—A. I don't know the year, but I went down to the city hall.

Q. You are taking somebody else's word for this?—A. If I could read and write, and look at the book, and could put it all down, I could tell you; but I can't read and write; so I went up to the polls at the city hall, and they asked me what was my name; I told them; 115 they asked me what was my number, and I had it on a piece of paper, both numbers, and I told them where I wanted it transferred to, and he wrote it down and says, "All right."

Q. But you moved after you had that?—A. No, sir; oh, no, sir; no, I didn't move; no, sir.

Q. Now, are you sure that you went to the proper polling precinct?—A. They couldn't find my number and name on any of the polls in that precinct.

Q. And you went to many of them?—A. Yes, sir; I spent the whole afternoon.

Q. Why did you go to more than one?—A. I tried to find my number and my name.

116 Q. Do you know that the number 2618 North Eleventh is up in one polling precinct, and it could not be in all?—A. That is what I thought, but they said they couldn't find it.

Q. And to how many precincts did you go?—A. Let me see, I went to Twelfth and North Market, and from there down—it is between Ninth and Broadway, on North Market, and they says, "It aint here, you have got to go down further." Then I went down two squares this side of North Market, they says, "You must go down there, your name must be there." I went there and called for my name, they said,

"No, it is not here;" and then they said, "You have got to go 117 to Broadway and Benton;" I went there and couldn't find my name at none of them places. So then I come back to North Market, between Broadway and Ninth, and told them my name must be there; they said, "No, it was not;" then I got a couple of gentlemen, they took me in, they tried to get me in there to find my name, and the judge, I don't know what his name was, he was a man that had a short foot, I don't know his name—I looked at him particular—and one man come to me and says, "Have you been registered before?" I says, "Yes, sir; I have." "Well," he says, "have you ever voted?" I says, "Yes, sir; always here in this city." "Well," he says, "you can't register any more, you will be put in jail," just that very way.

118 Of course, then, I went out rather than be bothered by anybody, or be put in jail; I didn't want to be in there, so I went on out, and then it was about dark.

Q. That is after you tried four polling precincts?—A. Yes, sir.

Q. And you spent your day at that work?—A. That is, half a day at it.

Q. Although you knew that there could be but one polling precinct for 2618 North Eleventh?—A. Well, now, you know for yourself there is polls changes, don't they? Don't they change? Now, a reading man knows that, but a man that don't read don't know that.

Q. Well, you were treated with the most distinguished consid-

119 eration on account of the illustrious name that you bear: Daniel Webster?—A. I don't know anything about that what is on the count of the lustrous name.

Q. Well, the judges all treated you with a good deal of consideration! —A. Yes, sir; they did.

Q. At all these polls?—A. They might have done that, but what reason they done it for?

Q. But they did it?—A. Of course; I don't deny that.

Q. But for some reason or another your vote could not be accepted at no one of these polls that you visited?—A. No, sir; it was not accepted.

Signature waived.

120 DEMPSEY BELL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Dempsey Bell.

Q. Where do you live?—A. 1024 North Seventh street.

Q. How long have you lived there?—A. I have lived there about ten months.

Q. Front or rear?—A. In the rear, sir.

Q. How long have you been living in the city?—A. I have been living here about three or four years.

Q. How old are you, Bell?—A. I was twenty-two on the fourth day of last July.

Q. Did you go to the city hall last fall to register before the election? —A. Yes, sir.

121 Q. Did you register there?—A. I wanted to register but they wouldn't let me.

Q. Why not?—A. They wouldn't let me; they said they didn't want me to vote.

Q. Did you go into the room?—A. Yes, sir.

Q. Did you go to the man behind the counter?—A. Yes, sir.

Q. What did you tell him?—A. I told him that I wanted—I told him where I lived; he said he didn't want it, so I stood 'round there a good while, then I lit out.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Whereabouts?—A. Upon—(pausing).

122 Q. Where was the poll; up on Fifth street between Wash and Carr?—A. Yes, sir; that is where it was.

(Mr. Donovan, counsel for contestee, objects to the counsel for the contestant furnishing the witness with the testimony which he desires him to give.)

Q. Did you register at the polls?—A. No, sir.

Q. Did you vote?—A. No, sir.

Q. They didn't find your name there?—A. No, sir.

Q. What ticket would you have voted if you had been permitted to vote?—A. Republican ticket.

Q. Did you offer to vote it there?—A. Yes, sir.

Q. What did they tell you?—A. They didn't want me.

Cross-examination by Mr. DONOVAN, counsel for contestee:

123 Q. Were they registering other colored people at the city hall when you visited it?—A. No, sir.

Q. You saw many of them there?—A. Yes, sir.

Q. You saw them being registered?—A. No, sir; I didn't see any of them being registered. I saw them go there to be registered, and they didn't let them in.

Q. And it is your opinion that there was no colored man registered at the city hall?—A. No, sir.

Q. No colored man was permitted to register there?—A. I didn't see any.

Q. Well, there was none permitted to register there?—A. I guess not; I didn't see any.

124 Q. Well, you presume that none were permitted to register there because you didn't see any register there, although the room was full of them?—A. Yes, sir; there was plenty in there.

Q. What were they doing? There were many clerks there, were there not?—A. Yes, sir; there was clerks there.

Q. Did you see each colored man as he went up to the counter and stated the facts in regard to his age and residence?—A. Yes, sir.

Q. You staid there and saw that they didn't register any of them?—A. Yes, sir.

Q. And for that reason you think there was no colored man registered in the city of Saint Louis?—A. I didn't see none registered; I seen them talking in front to white men, but there was no colored man there.

Q. They just sat "down" on every colored man?—A. I guess they were.

Q. Now, don't you know that you are doing some wholesale lying right on that stand?—A. I didn't come up here to lie.

Q. Don't you know that there were three thousand colored men registered at the city hall?—A. I don't know anything about them registering.

Q. Now, what are you volunteering this sort of testimony for?—A. For the truth.

Q. Did you come up here to earn seventy-five (75) cents?—
126 A. No, sir; I come up here for my benefit.

Q. What did you come up here for?—A. Well, I had a right to.

Q. Who told you to come up here?—A. I was represented up here by Mr. Johnson.

Q. Who is Johnson?—A. That gentleman there. (Indicating.) He is a colored man.

Q. Were you subpoenaed?—A. I was subpoenaed up here by this here man standing in the door there; I guess this is the one; I don't know him.

Q. Did you tell Mr. Johnson, before you came here, what you knew?—A. No, sir.

Q. Did you tell anybody?—A. No, sir.
127 Q. You never spoke to anybody before you got on that stand in regard to what you knew?—A. No, sir.

Q. How many colored clerks were there in the recorder of voters' office?—A. I don't know, sir; I couldn't say.

Q. Now, don't you know that there were some?—A. Well, I couldn't say how many.

Q. Do you know that Mr. Smith, who is in charge of the colored brigade here, was an official there in the office of the recorder of voters?—A. I couldn't say how many there were there.

Q. I mean the clerks behind the counter—colored clerks?—A. Well, I say I can't say how many clerks there were behind there.

Q. And you think those colored clerks were disposed to act

128 unfairly towards their colored brethren?—A. I don't think they was in the room there. I don't think they would have done that way.

Q. Don't you know that they were there?—A. I didn't see them.

Q. Don't you know that Mr. Smith, that very same gentleman that is standing outside there in that room (indicating), was one of the clerks, a colored man, and an active agent for the Republican party?—A. No; I don't know, sir; I never seen him.

Q. You know that Mr. Smith was employed at the office there?—A. He might have been; I don't know.

Q. You saw him there?—A. No; I didn't see him.

129 Q. You have seen him since you came here?—A. Yes, sir; I have seen him since I came here.

Q. And he has told you that he was one of the clerks in the recorder of voters' office?—A. No; he didn't tell me nothing.

Q. You know Mr. Smith that is here drilling all these witnesses, don't you?—A. I do not.

Q. Then you don't know his name?—A. No, sir; I don't know his name, and I don't know him, I don't think, if I was to see him.

Q. Now, you never had registered?—A. Never had in my life.

Q. Well, now, you went to the poll, offered your vote, the judges looked down the list, said, "You can't vote at this particular polling precinct, for the reason that your name is not on the list." You 130 took back your ballot, and went away; isn't that the whole truth of the matter?—A. Yes, sir.

Q. Can you read?—A. No, sir; I can read a little bit.

Q. Could you read what was on your ballot?—A. No, sir.

Q. Was Mr. Frost's name on your ticket for Congress?

WITNESS. Mr. Frost?

COUNSEL. Yes.

A. I don't know, sir; I never read it.

Q. Do you know who was on your ticket for Congress?—A. No, sir. Signature waived.

131 Dr. JOHN WILLARD, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Dr. John Willard.

Q. Where do you live?—A. I live on Wright street. Just look at that, sir; that tells where I live now (handing paper to counsel).

COUNSEL. (Reading:)

Q. 2618 North Eleventh?—A. 2618 North Eleventh.

Q. Where were you living on election day?—A. I was living on Wright street.

Q. Do you remember the number?—A. There is no number on the house.

Q. Between what streets?—A. Between Wright and the next 132 street; you know, Mr. Metcalfe, where I always get off on Nineteenth street.

Mr. METCALFE. You must state it for yourself.

A. Well, there is an open lot there on Wright, between Eleventh and Davis.

By Mr. POLLARD:

Q. How long had you lived there, doctor, before the election?—A. Seven years.

Q. What is your business?—A. Practicing medicine, sir; Indian doctor.

Q. How long have you lived in Saint Louis?—A. Seventeen years.

Q. How old are you?—A. I am fifty years.

Q. You are a colored man?—A. Yes, sir.

Q. You were born in this country, and have always lived here? 133 —A. No, sir; I was not born here; I was born in Virginia, sir; in Petersburg.

Q. I mean you have always lived in the United States?—A. Oh, yes, sir; I have always lived in the United States.

Q. Did you ever register at the city hall while you were living on Wright between Eleventh and Davis?—A. Yes, sir.

Q. Did you ever vote while you were living at that place?—A. I voted at every election until this one.

Q. Did you go to the polls on last election day?—A. I did.

Q. Where were those polls?—A. Eleventh and Wright.

Q. Right on the corner?—A. Right on the corner.

Q. Was your name on the poll book when you got there?—A. 134 Well, they said when I got there, they looked at it, they hunted it up, and they said, "What are you?" I says, "I'm a Republican," they says, "Straight Republican?" I says, "Yes." They told me, they says, "Doctor, you can't vote here, you will have to go to Broadway and Buchanan, to that precinct," and when I went over there they sent me back to the same place; they said, "You can't vote there;" then I come back to this place, but then it was shut up; it was too late; it was night; it was after they all shut up.

Q. When you went to this poll on Eleventh and Wright, the first time, did they look to see if your name was there?—A. They did; 135 yes, sir; but he didn't let me vote; he says, "He voted over at the other precinct."

Q. Who told you that?—A. The judge, you know.

Q. Somebody inside?—A. Yes, sir,

Q. Do you know what ticket you proposed to vote?—A. The straight Republican ticket. I never voted anything else.

Q. And you didn't vote at all?—A. No, sir; I didn't vote at all.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You are an intelligent physician, doctor?—A. I am; for the last seventeen years in this city.

Q. You can read and write?—A. Well, I can make out anyhow.

136 Q. You can read and write?—A. I do.

Q. If you are an intelligent physician, and can read and write, why is it that you can't tell the number of the place that you are living in at the present time?—A. Well, I gave you the number there, didn't I? That ought to have been enough. That ought to be satisfactory.

Q. Who wrote this for you?—A. My son.

Q. And you say you have lived at this place seven years?—A. No, sir; not at this place where I am, though that is where I lived two months ago. The other place, where I lived on election day, though, that is where I lived seven years, but this place I have only been in two months.

137 Q. How long previous to the election did you move to 2618 North Eleventh?—A. Well, I never took particular notice; it has been about—(Pausing.)

Q. It was about five days, wasn't it?

By Mr. POLLARD:

Q. He asks you how long before the election you moved to that place?—A. I didn't move there until after the election. So far, I only been at this place where I am now only just about two months. That is the other place, there, I lived seven years at the time the election was had.

Q. You were registered from the place that you were living at prior to your removal to 2618, North Eleventh?—A. Yes, sir.

128 Q. Doctor, did you go to the city hall and notify them that you had moved from one place to the other?—A. I hadn't moved. I hadn't moved. I went there and they told—and I said, would I have to register over again? They said, "No, it is not necessary." They said, "You don't have to register." They said, "If you ever moved away, you have to transfer." But I told them I hadn't moved; that I had lived at that place seven years. "You can go," he says, "you are all right."

Q. So you had been registered from there?—A. Yes, sir; of course I had.

139 Q. What did you go to the city hall at all for?—A. I hadn't moved. I didn't know how they might change it. I had to go down to see whether it was all right. I thought, whether I had moved or not moved, that I ought to be registered over. So I went there and they asked me if I had moved. I told them I hadn't. They said, "We can't do anything for you; you can go right home."

Q. Now, doctor, when you went to the polling precinct they looked for your name and couldn't find it; is that a fact or not?—A. They looked, and they said, "You don't vote here; you belong over to the other precinct," and they sent me over there. Then they sent me back, and these fellows says, "No, you have to go back to the same place; you can't vote here because you have to go to the same place 140 place where you voted first, that is, four years ago."

Q. Well, you voted at a different polling precinct when you voted for Hayes?—A. No, sir; I didn't; oh, no. The first time I was registered I was not registered at the city hall; there was no city hall there.

Q. But you were registered?—A. Well, I know.

Q. And gave your residence at that time?—A. It was way up in Bremen, right near Lowell.

Q. And then you changed from there?—A. Well, the next time after that, in the next election, Grant you know had two terms after that, and then the next term I called at the city hall.

Q. But, doctor, you registered from Bremen avenue?—A. I did the first time.

141 Q. How far was that from Wright street, where you said you lived seven years?—A. That was about, I believe, four or five blocks.

Q. It was in a different polling precinct?—A. Why, of course.

Q. When you moved from Bremen avenue to Wright street you did not go to the city hall?—A. No, sir.

Q. So as to notify them of your removal?—A. Oh, yes, I did; oh, yes, I did; I went there, oh, yes.

Q. How long ago?—A. Well, it was about—I can't tell—it has been four years, four or five, I believe. You know when the other Presidential election was. I never took such particular notice what

142 day, because it was as much as I could do to take care of my sick people.

Q. But, doctor, you notified them that you had removed to 2618 North Eleventh?—A. I have notified them; that has been where I am since the election.

Q. Well, after you lived on Bremen avenue, where did you remove to?—A. I didn't move. Never lived on Bremen avenue. I was living in the house where I moved out of since the election. I was living there in the same house for five years, and I had to go up there to register.

Q. I understood you to say that you had, at one time, lived on Bremen avenue?—A. No, sir; oh, no; I went there to get registered the first time.

143 Q. Where were you living then?—A. In a house right by Davis Mill; I lived on Davis street.

Q. Between what streets?—A. Eleventh and Davis streets.

Q. Are there any numbers on the houses there?—A. No, sir; I am living in one of Darbitz's houses.

Q. The houses are scattered?—A. Yes, sir; there are no numbers on the houses; I just moved from there just about two months ago, right in the house that I am living in now.

144 Q. Well, you were told to go to another poll, and when you got there to the other poll the judges there informed you that if you were entitled to vote at all, it should be from the precinct that you came from?—A. They didn't say I wouldn't be entitled to vote, they said, "You are in the wrong precinct, go back to Eleventh and Wright, that is your place," and when I came back they were shut up.

Q. So you didn't offer your ballot at all?—A. Why, no, no.

Q. Because the place was shut up?—A. I know, I said the place was shut up.

Q. And therefore you could not offer your ballot?—A. They was inside and sent me away first, and then I came back and it was too late.

Signature waived.

145 JOSEPH SMITH, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Joseph Smith.

Q. Where do you live?—A. In the rear of 1004 Seventh street, between Wash and Carr.

Q. How long have you lived there?—A. About a year and six or seven months, as near as I can come at it.

Q. How long have you lived in the city?—A. About two years and six months—six or seven months.

Q. How old are you?—A. If I live to see the second of next month I will be forty years old.

Q. Where were you born?—A. Louisville, Kentucky.

146 Q. Always lived in the United States?—A. Yes, sir.

Q. You are a colored man?—A. Yes, sir; I show up pretty well.

Q. Did you ever go to the city hall to register?—A. No, sir.

Q. Did you go to the polls on election day?—A. I did, sir; to one place.

Q. Where?—A. On the corner of Carr and Fifth.

Q. And did you register at the polls?—A. No, sir.

Q. Why not?—A. I went there to register and they told me—they first told me they hadn't time to bother with me; and the next time they didn't want me there at all.

147 Q. Did you go inside of the polls?—A. No, sir; I just went to the window.

Q. What did you tell them when you went to the window?—A. I told them I wanted to register so I could get my vote in. I told them where I lived.

Q. Did you tell them how long you had been in the city?—A. They told me they didn't have time to bother with me.

Q. Then you went away and went back again?—A. Yes, sir.

Q. They told you the same thing?—A. That I couldn't vote, and I didn't vote.

Q. What ticket would you have voted if you had been permitted to vote?—A. The Republican ticket.

148 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you read?—A. No, sir; I can't read; I can't spell.

Q. Did you have a ticket in your hand?—A. Yes, sir.

Q. Do you know what ticket it was?—A. No, sir; I don't know any more than that it was the Republican ticket. I don't know whether it was Republican or Democratic, but that was my aim.

Q. Where did you vote when you voted for Hayes?—A. I didn't vote at all. I was not at home at the time; I was on the river.

Q. You voted for Grant, didn't you?—A. Yes, sir.

Q. Where were you living when you voted for Grant?—A. In Louisville, Kentucky.

149 Q. At what election, previous to the last, did you vote in the city of Saint Louis?—A. That was four years ago.

Q. You voted here four years ago?—A. No; in Louisville, Kentucky.

Q. No; but I mean at what place in the city of Saint Louis did you vote previous to the last election?

Mr. POLLARD. He means before the last election.

WITNESS. I don't understand you.

Question repeated by the notary.

A. I was in Louisville, Kentucky.

By Mr. DONOVAN:

Q. Well, you didn't vote in this city previous to this last election?—A. No, sir; I have only been here about two years and six or seven months.

150 Q. Did you ever register at the city hall?—A. No, sir.

Q. Now, will you please carefully consider, and in your own way tell us, all that you said or was said to you at that poll on the occasion of your visits to it?—A. When I went there the first time they told me they hadn't time to bother with me; I went back again (I was driving team, then, for Mr. Smith, the iceman), and then I went back; I again took my turn, then they told me again they hadn't time to bother with me.

Q. You were in a considerable hurry yourself?—A. No, sir; but I couldn't stop very well half an hour or twenty minutes at a time; I had to do my day's work like every other man that has to work for his living.

151 Q. Will you please state what you said to anybody at that poll?—A. Only that I wanted to register and get my vote in there; I went twice.

Q. Who did you speak to—to some Republican agent?—A. I couldn't tell you, sir; just somebody inside of the house. I couldn't tell you who it was.

Q. You don't know whether you talked to the registrar or the judge?—A. I couldn't tell you, sir; just somebody inside.

Q. There was the registrar in there, sitting at the table?—A. I couldn't tell you who they was.

Q. There were people surrounding him, were there not?—A. Yes, sir.

Q. And they were being registered?—A. I seen folks vote.

152 Q. These people that were surrounding the registrar, were being registered, and he was performing his functions at that place?—A. The last time there was no one standing around him at all, only one man on the outside.

Q. The registrar was inside; wasn't he?—A. I suppose so.

Q. Why didn't you go into the room and speak to him?—A. I couldn't leave my team.

Q. I thought that was the case; you didn't take time to do it?—A. I am just telling you as it was, sir.

Q. It is the fact, is it not, you didn't take the time to register there?—A. I didn't go inside there.

Q. Although the registrar was inside and there were other people being registered?—A. Yes, sir.

Signature waived.

153 LOUIS HORSTBRINK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Louis Horstbrink.

Q. Where do you reside?—A. 1125 North Thirteenth.

Q. How long have you lived there?—A. For the last five years.

Q. How long have you lived in the city, Mr. Horstbrink?—A. Since I have been in this country; since 1860.

Q. That is twenty-one years?—A. Yes, sir.

Q. How old are you?—A. Forty-three.

Q. Have you been naturalized? Have you taken out your papers?—A. Yes. I was by the soldiers, and went through the war.

154 Q. You were in the Union Army during the war?—A. Yes, sir.

Q. Did you ever register at the city hall, Mr. Horstbrink?—A. Yes, sir.

Q. Where were you living when you registered there?—A. I was living on Twenty-fourth and Morgan; I was living, I think, a couple of months there. I lived between Twentieth and Twenty-first, on Franklin avenue before.

Q. But you registered when you were living on Twenty-fourth and Morgan?—A. That's what I aint sure. I don't know that so particularly.

Q. Since you moved to Twenty-fourth and Morgan, did you get a transfer?—A. Yes, sir.

Q. That is, since you lived there?—A. Yes, sir.

155 Q. Have you ever voted since you lived at 1125 North Thirteenth?—A. Yes, sir; I voted all the time.

Q. Did you go to the polls on last election day to vote?—A. Yes, sir; I was there twice, I believe.

Q. What poll?—A. It is between Fourteenth and Fifteenth, on Carr street, on the south side.

Q. When you went to the poll did you find your name on the poll book?—A. No, they told me my name was not there; they didn't find my name. I looked over the book and my name was not there.

Q. And so you didn't vote?—A. No, sir.

Q. But you went back, you say?—A. I went back the second 156 time. The first time they told me my name was not there, and the second time I went in.

Q. So you didn't vote at all?—A. No, sir.

Q. What ticket would you have voted if you had been permitted to vote?—A. The Republican ticket; what I always do.

Q. You say you have voted two or three times since you voted, at this same place?—A. Yes, sir; at this same place.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What sort of a house is 1125 North Thirteenth?—A. It is a tenement house; there is fifteen or sixteen families living in that yard.

Q. You are a married man, I suppose?—A. No.

157 Q. You have just got a room there?—A. Yes.

Q. What is your business?—A. Cigar-maker.

Q. You are away from that place during the day?—A. No; I have got a room I work—make cigars in there; and sleep there too.

Q. Were you present when the reviser went around?

Mr. POLLARD. The reviser is a man who is appointed to come around there and interview the people, and see if all those whose names are on the list lives there at the place mentioned. He came around several days before the election. That is what the reviser is.

By Mr. DONOVAN:

Q. Were you present when he came?—A. I don't know. I 158 don't recollect if he was around at all.

Q. Other people in that house voted?—A. Well, I know nothing about it; may be I was just at that time absent, may be.

Q. There are many Republicans living in that house?—A. No; they are most all Democrats.

Q. There are a good many registered, though, living in the house?—A. Not that I know of; only one man.

Q. He voted?—A. Yes; the straight Republican vote.

Q. Now, you registered from Twenty-fourth and Morgan; did I understand you to say that?—A. Yes, sir.

Q. Did you go to the city hall after your removal from Twenty-fourth and Morgan, and tell them that you had changed your residence 159 to 1125 North Thirteenth street?—A. Yes, sir; of course I had to go and register there, else they wouldn't have taken my vote.

Q. Now, you didn't have to be registered, but you wanted to be transferred. Did you obtain the transfer? Did you go to the city hall and notify them of the fact of your change of residence?—A. Yes, sir, I did sir; that was four or five years ago.

Q. Let me understand you. You went there to register?—A. Yes, sir.

Q. That was your business there?—A. Yes, sir; of course I went there to get registered, and after that I went to the other place to get —

By Mr. POLLARD:

Q. Transferred?—A. Transferred, yes.

By Mr. DONOVAN:

160 Q. The counsel for the contestant tells you so—that you went there when you wanted to get transferred?

By Mr. POLLARD:

Q. You were thinking of the word "transferred" when I said it?—
A. Yes, sir.

By Mr. DONOVAN:

Q. Now, what was it to be, re-registered or transferred?—A. Registered and transferred at the same time. That is the way I understand it.

Q. Do you not know if you are once registered that there is no necessity of your re-registering?—A. Yes; if I change my residence.

Q. But you do not re-register when you have been previously registered?—A. As long as I live in one place I don't need that, but if I move, I must get registered again.

161 Q. How far is Twenty-fourth and Morgan from 1125 North Thirteenth?—A. Well, it is about eleven or twelve blocks.

Q. They are not in the same voting precinct?—A. No.

Q. What did you do when you went to the poll?—A. I gave him my name, and wanted to hand in the ticket, and they looked over the books and they told me that my name wasn't there, and so I went off.

Q. That is all that you did?—A. Yes. That was in the morning, and in the afternoon I went there again with the other man that voted there that morning already; and he stated that I was living there so long, and they then called us in the office, and we looked over the 162 books, and they showed that the name was not in the books.

Q. And then you went away?—A. Yes, sir.

Signature waived.

163 W. WILHELM, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. W. Wilhelm.

Q. Where do you reside?—A. Northeast corner of Grand avenue and Broadway.

Q. How long have you lived there?—A. Nine years.

Q. How long have you lived in Saint Louis?—A. Twenty-two years.

Q. What is your business?—A. At the present time I keep a saloon there, since nine years.

Q. You were one of the judges of election last November, at precinct 87, were you?—A. Yes, sir.

Q. Do you know whether there was any vote thrown out that 164 day that had been cast for Mr. Sessinghaus?—A. Yes, sir; only one or two of them.

Q. There was one thrown out for Mr. Sessinghaus?—A. Yes, sir.

Q. What was it thrown out for?—A. It was a regular Democratic ticket; the whole Democratic ticket, only Mr. Frost's name was stricken off, and the name Sessinghaus put in its place; not the first name, not Gus., only Sessinghaus.

Q. And that was spelled correctly?—A. Yes, sir; we, all the four judges, we looked for the name and house. I know the man particularly well himself who gave me that ticket, who voted that ticket.

Q. He was a qualified voter, was he?—A. Yes, sir.

Q. Was the balance of the ticket counted?—A. Yes, sir.
165 Q. You counted everything except that vote for Sessinghaus?
—A. Yes, sir; we counted everything except that vote for Sessinghaus.

Q. And that was not counted?—A. Yes, sir.

Q. What other votes were thrown out?—A. There was another vote, I don't know whether it was counted or not; I don't know exactly no more. I asked one of the judges last night, who was taking in tickets at the poll that day. This man had registered there that day and voted the full Democratic ticket; he is a German man; he works in East Saint Louis; he comes over here once in a while on Sunday to visit his mother, so he claims that he had a right to vote here.

Q. East Saint Louis is in Illinois?—A. Yes, sir; East Saint 166 Louis is in Illinois. So they took it, the Democratic judges took that vote, but me and my partner, we rejected it, but it was took there among the votes under protest, and it was counted.

Q. Do you know what that man's name was?—A. It was Thomas or Thompson, I don't exactly know.

Q. He was registered there that day, wasn't he?—A. Yes, sir; he was registered there.

Q. Now, were there any transfers made there that day by the judges or by the registrar?—A. Yes, sir; there were several of them.

Q. Do you know William Greamert?—A. Yes, sir.

Q. How many transfers were made there?—A. I don't know 167 exactly; I couldn't tell you that; I was judge that day.

Q. Was there more than one?—A. O, yes; there was several; there was a couple of them.

Q. About how many?—A. Three or four of them, I know for sure.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. William Greamert was a Republican?—A. Yes, sir; he was transferred there in our precinct.

Q. He voted for Sessinghaus?—A. Greamert? I don't know who he voted for.

Q. He was a Republican?—A. He was a Republican, yes, sir; I guess he voted for Sessinghaus.

Q. And you transferred him?—A. When he was transferred 168 from another precinct, he moved into my precinct there just about a couple of months before.

Q. Did you or did you not receive printed instructions at the same time that you received the poll book from the law officers of the city?—A. Yes.

Q. Did you read those printed instructions?—A. No; I believe I didn't read them; I don't know.

Q. They were read, though?—A. They were read, though.

Q. And one of those printed instructions was to the effect that when the party had previously registered from another precinct he could not transfer on election day?—A. Well, I don't know. I thought we couldn't myself, but we asked 'Squire Nacke about those matters, and he said we could.

169 Q. Although law officers of the city sent out printed instructions to all the judges, Democratic and Republican, throughout the entire city, you thought you would ask the advice of some 'squire about it?—A. Yes, sir.

Q. And you did?—A. Yes, sir.

Q. And you made many transfers of Republican voters?—A. No.

Q. You made three or four?—A. I don't know if they was Republican or not; I know about Billy Greamert, what he is.

Q. Why didn't you follow the printed instructions?—A. There was three other judges there besides me; I didn't study much about it; I had to do what they wanted.

Q. But the rule was intended to apply to voters of all parties, 170 whether they were Chronicle voters, Republican voters, Democratic voters, or Greenback-Labor voters; that was the universal rule, and printed there, printed and sent to you, and what reason can you give for not following it, since all of the judges at all of the polls in the city, and at every other election, followed that rule?—A. Well, I thought as long as I know a man, when I know him so long, if he was living in that same ward, if he just moved from one precinct into the other, and I am sure that he didn't vote in no other precinct, I thought they may vote under protest.

Q. How many Republican voters did you transfer that day?—
171 A. That is the only one—Billy Greamert.

Q. And he voted for Mr. Sessinghaus?—A. I think so, though I can't say; I can't say sure. The others I know pretty well; but I don't know whether they are Democrats or Republicans.

Q. What was the politics of the registrar there?—A. The registrar? I don't know what he is.

Q. He was a Republican?—A. I don't know; my two other partners, the two Democratic judges, they got him that morning; he lives at one of the judges' house—one of the judges that was judge in my precinct.

Q. He was a gentleman?—A. They got him; yes, sir.

Q. He was a gentleman?—A. Yes, sir.
172 Q. And this supposed voter that you spoke of applied to him and stated his case?—A. Yes, sir.

Q. And he thought that he had to be registered at that poll?—A. Yes, sir.

Q. And he did register?—A. Yes, sir; that is, he was taken in under protest by getting registered; they took his vote.

Q. You are a Republican?—A. I am a Republican; yes, sir; and always was so far.

By Mr. POLLARD:

Q. Now, these other men—every one of them—that you say were registered there, except this man Greamert, were Democrats that were transferred?—A. I don't know their politics; I don't remember.

Q. This man Greamert had lived in that precinct; stayed a 173 long time; had he not?—A. Yes, sir; this was the first election; the last election he was living in the same ward below.

Q. Was there a man by the name of Dan Hannigan transferred there? A. Yes, sir; he was always living in the same precinct; he only moved from one block to another; he is a Democrat, and a particular friend of mine.

Q. Do you know John Nickels?—A. He was one of the judges of election.

Q. He was a Democrat, and got transferred?—A. Yes, sir.

Q. Do you know S. H. Pettingill?—A. He moved only in the block; just changed his number.

Q. He was transferred there?—A. Yes, sir.
174 Q. He was a Democrat, too?—A. He was the clerk in our precinct.

Q. And a Democrat, too?—A. Yes sir.

By Mr. DONOVAN:

Q. I thought you didn't know the politics of the gentlemen transferred on that day?—A. There was a couple of them; I forget just about the names of some that was transferred.

Q. I thought you stated, Mr. Wilhelm, that you did not know the politics of either of these gentlemen?—A. I don't know what they were, what those parties were.

Q. Did you examine these ballots?—A. No, sir; I never did that.

Q. So, of course, not having examined them, you could not tell 175 who they were voting for?—A. Why, no; I was not allowed to do that.

Q. It is simply a matter of opinion with you; you just judge from your previous affiliation?—A. Yes, sir; I should just judge so.

Q. Not having seen their ballots?—A. No, sir.

Signature waived.

176 J. F. NIEMEYER, produced sworn, and examined on the part of the contestant, deposeth, and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. J. F. Niemeyer.

Q. Where do you live?—A. I live 2850 Cass avenue.

Q. How long have you lived there?—A. About twenty-one years.

Q. You were a supervisor at precinct 208 on last election day, were you?—A. Yes, sir.

Q. Do you remember a man by the name of J. M. Neil, and another one by the name of C. R. Wilson, voting at that precinct on that day?—A. Yes, sir; that J. M. only was on the poll book; his name is McNeil, I think that is a mere clerical error.

177 Q. Do you know whether he was on the poll book as from that residence?—A. Yes, sir.

Q. And this other man was from the same place?—A. Yes, sir.

Q. Are you acquainted at 1410 Glasgow avenue.—A. Yes, sir; I live right close there.

Q. Do you know whether they lived there for one month or two months before the election day?—A. No, sir; neither one of them lived there.

Q. Do you know whether they were Democrats or Republicans, or what ticket they voted on that day?—A. I think both voted Democratic tickets.

Q. Did Ben Humes, a colored man, come there that day to vote?—A. Yes, sir.

178 Q. Was his vote received?—A. No, sir; he was not allowed to vote.

Q. Do you know who challenged him?—A. B. J. Reilly; he was clerk.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Ben Humes is this man that has already testified; is he or is he not?—A. I suppose he is the same Benjamin Humes. He registered from Sheridan avenue.

Q. What did you do with the other votes?—A. Counted it; both counted.

Q. You say you have known that gentleman for some time?—A. Yes, sir; I have known him to be a conductor on the Cass avenue road for some time.

179 Q. And has lived for some time in that house?—A. He has lived there probably for six months—kept a boarding-house.

Q. He lived there six or eight months just previous to the election?—A. He lived there within two weeks of the election.

Q. Have you ever visited his house?—A. Yes, sir; I went around the day after the election. I seen the sign on the house, "For rent."

Q. Did you go into the house?—A. No, sir.

Q. You never were in the house?—A. No, sir; I never went in the house before he lived there. There are many houses that have got "For rent," but other people are living there. I know he occupied the whole house as a boarding house.

180 Q. About election time?—A. Just previous to the election he had that house numbered.

Q. You went around there after the election?—A. The day after the election I found out the fact that he had changed before election day, that he had moved, and I made it my business the next day to go around there and find out.

Q. You found that he had moved the day after the election?—A. No, sir; I found out that he had moved previous to the election. I know that from a party by the name of Schneibly.

Q. Who is Schneibly?—A. He has got a furniture car. He lives on Glasgow avenue between Sheridan and Cass.

181 Q. Did you hunt him up?—A. No, sir; I seen him since then, and the neighbors there.

Q. You were taking his word for it?—A. I know that he had moved away from there.

Q. You didn't know that he had moved away until you went there the day after the election?—A. No, sir.

Q. You couldn't testify whether he had moved before or not?—A. No, sir; but I think it is about two weeks before.

Q. But you are testifying now on the statement of some man for you?—A. Yes, sir; I know that he had moved away previous.

Q. That is, you are now testifying to what somebody said to you?—A. Well, I must say that, for I was told.

Q. That is just exactly what I mean. You were told that he 182 had done that?—A. That he had moved to it previous to the day of election.

Q. You were told that?—A. Yes, sir.

Q. But whether it is true or not, you don't know?—A. I don't know whether it is just two weeks or not. I can't be certain about it, but I know he hadn't lived there.

Q. You are taking this on the statement of another man; that is a fact, is it not?—A. I am taking it in regards to time; yes, sir.

Q. And you believed that the man told you the truth?—A. I do; yes, sir.

Q. This man who told you that is living in town here, is he not?—A. Yes, sir; he is.

Q. And can be brought here?—A. Yes, sir.

183 Q. Did these men deposit their ballots with you as supervisor?—A. No, sir.

Q. Did they write their names on the back of the ticket?—A. No, sir.

Q. You were there to supervise that election?—A. That is, count the votes for Sessinghaus and Frost, and look after votes.

Q. You didn't like that count?—A. We agreed at the polls; I sup-

pose that was part of our duty, to count the votes and see who they voted for.

Q. Now, these men's names were not on the backs of their tickets!—
A. No, sir.

Q. When you went through the list of tickets, their names not being on the back, how could you tell it was their ballot?—A. Because of their being numbered.

184 Q. Did you look at the number and then look at the ticket, or did you count the ticket?—A. I looked at the number on the back of the ticket.

Q. Well, you looked on the back of the ticket; did you invariably look at the number on the poll books?—A. No, sir; I didn't.

Q. Then it would be impossible for you to tell what was their particular ballot?—A. I did look afterwards; I didn't just then; I did when I had time, when I got a chance to look at the different ballots.

Q. When, on the day of election?—A. Yes, sir.

Q. Now, don't you know that you took a full count, and that you put the books and ballots in the boxes and sent them to the city hall, and have never seen them since?—A. Well, the special registrar had the special book.

185 Q. But you put those in the boxes and sent them to the city hall, and you have never seen them since?—A. This book was never in that box at all.

Q. Was it a day-book?—A. It was a day-book with all names in there of all parties living in that precinct. I don't know who it was gotten up by Mr. Wurmbs had it in his store.

Q. Who is he?—A. He is the gentleman sitting there.

Q. So this is the outside book that you were looking at subsequent to the election?—A. That was the copy of all the names.

186 Q. Did you copy the names?—A. No, sir.

Q. How do you know it was a copy?—A. I seen my name on it; suppose I was in there.

Q. How many other names were on it?—A. Four or five; some that I can remember.

Q. How many names, altogether, were on it?—A. There were over three hundred names on it.

Q. You didn't compare the books?—A. I know there was that without having proved the names at all. I didn't have a chance to compare the books. I know a good many of the parties that had their names on that book.

Q. You did not examine Mr. Neil's or Mr. Wilson's ballot; you did not recollect their number at the time?—A. No, sir.

187 Q. But subsequent to the election some gentleman showed you a book that he had, and you came to the conclusion that probably these gentlemen ought not to have voted there?—A. This was after I found out that the house was vacant.

Q. But, inasmuch as you think they were proper, legal ballots at the time, you didn't bear the number in mind—the number of the ballots?—A. No, sir.

Q. Therefore, of course, not having borne the numbers in mind, you could not identify those numbers as those on the ballots of these gentlemen; you could not have borne the numbers in mind?—A. No, sir; not all.

188 Q. You couldn't have borne these in mind if you didn't take particular note of them, and it was impossible for you to do that?—A. I couldn't remember.

Q. Then Humes's vote was given to you?—A. No, sir; it was never received at all.

Q. You don't know why?—A. Well, on Reilly's objections. He said it was not—

Q. (Interrupting.) He just made the statement of his case and you couldn't take it?—A. All of the judges were not satisfied.

Q. They were not satisfied that he was a proper voter at that precinct?—A. They took Bernard J. Reilly's word for that.

Q. He offered his ballot, the objection was made and carefully considered, and you came to the conclusion that it should not be received?

—A. We told him to go and bring proof, and if the proof
189 that he got proved satisfactory to the judges, that we would accept his ballot. But he didn't come back with any. He said that the parties that he went to couldn't be found just at that time.

Q. Well, he didn't come back at all?—A. He didn't come back at all; no, sir.

By Mr. POLLARD:

Q. Do you know where Humes lived?—A. No, sir.

Q. You know that he lived in the precinct and had lived there for years?—A. I don't know how long he has lived there, but I know he was on the books—on the poll books.

Q. Now, you know personally that these men, J. M. Neil, Wilson, and another are Democrats?—A. I think they are Democrats.

190 By Mr. DONOVAN:

Q. You suspect them?—A. Yes, sir.

Q. Have you ever talked with either of them?—A. Yes, sir; but not on politics.

Q. You have never conversed in regard to their politics?—A. No, sir; never.

Q. Now, if Ben. Humes was entitled to vote there, why didn't you receive his ballot, even under protest, since, if he was entitled to vote there at all, that was your official duty?—A. If he had come back we would have received it.

Q. Oh, then, he never voted at all?—A. He never voted; no, sir.

By Mr. POLLARD:

Q. Do you know a colored man by the name of James Stockton?—A. No, sir.

191 Q. You don't know whether he came to the polls to vote that day or not?—A. No, sir.

Signature waived.

192 JOHN FIELDS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. John Fields.

Q. Where do you live?—A. 2014, in the rear, on Biddle.

Q. How long have you lived there?—A. I have lived there about nine or ten months now. I have been living there seven months before election day.

Q. How long have you lived in the city, Mr. Fields?—A. I have been living here seven or eight years in the city.

Q. How old are you?—A. Twenty-four.

Q. You are a colored man?—A. Yes, sir.

Q. You were born in the United States and have always lived here?—A. Yes, sir; always lived here.

Q. Did you register at the city hall?—A. Yes, sir.

Q. When was that?—A. For about three or four weeks before the election.

Q. Before this last November election?—A. Yes, sir.

Q. You registered, did you?—A. I gave my name in.

Q. Did you swear there?—A. Yes, sir.

Q. Did you write your name on a book?—A. Yes, sir; signed my name.

Q. You were then living at 2014 Biddle?—A. Yes, sir.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. Where were those polls?—A. Between Twentieth and 194 Twenty-first, at the precinct on Biddle street.

Q. Did you vote there when you went there?—A. When I went there my name was not on the book; they said I couldn't vote. I offered to register and vote, but they wouldn't let me register.

Q. What ticket had you intended to vote there?—A. Republican ticket.

Q. You didn't vote at all?—A. No, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you read?—A. Yes, sir; I can read a little.

Q. What was on the head of your ticket?—A. I have forgotten what was on it. I believe it was a regular Republican ticket.

195 Q. Didn't it say Chronicle select ticket?—A. No, sir; it did not.

Q. Who did you vote for for President?—A. I voted for, let me see, what's his name; I forget the gentleman's name; the one that is in now; the one that got elected; that's the one I voted for.

Q. Who did you vote for for governor for the State of Missouri?—A. I intended to vote. They didn't allow me to vote.

Q. Who did you want to vote for?—A. I wanted to vote the straight Republican ticket.

Q. Who did you want to vote for for governor of the State?—A. I don't know his name. I intended to vote the straight Republican ticket. That is all.

Q. And Mr. Frost for Congress or for the Senate, which? 196 For which office did you want to vote for Mr. Frost, for the Senate or Congress?

Mr. POLLARD. Mr. Frost was on the Democratic ticket; he is trying to mislead you.

By Mr. DONOVAN:

Q. For which office did you want to vote for Mr. Frost, for the Senate or Congress?—A. I didn't vote at all; they wouldn't let me.

Q. For which office did you intend to vote for him for?—A. I never seen his name. I never looked at his ticket whatever. I never noticed it whether his name was on it or not.

Q. Do you know whether that was on the ticket, whether his name was on your ticket or not?—A. I don't know whether his name was on the Republican ticket or not, but I wanted to vote the straight 197 Republican ticket.

Q. Who told you that "Straight Republican ticket" was at the head of your ballot when you wanted to vote?—A. It said "Republican ticket." I read that much.

Q. It was "Straight Republican ticket?"—A. No, sir; it was the regular ticket.

Q. That is all that you could read on it?—A. I could read more, too.

Q. Who did you vote for for Congress?—A. I don't know; I told you I didn't notice; I didn't look; I didn't pay very much attention to that.

Q. Did you want to vote for Mr. Frost or Mr. Sessinghaus? Which of these gentlemen did you prefer?—A. I ain't no politician myself.

198 Q. You know Mr. Frost? You know Sessinghaus?—A. No, sir; never heard of them.

Q. Can't you tell who it was you desired to cast your ballot for, which of these gentlemen?—A. My desire was to vote the regular Republican ticket.

Q. You voted for Mr. Hayes when he ran for President?—A. Yes, sir; I voted for him.

Q. Where were you living when you voted for Mr. Hayes?—A. I was living out here back of the fair grounds.

Q. How far is that from 2014 Biddle?—A. Oh, that is a good ways.

Q. Now, you didn't notify the officers at the city hall of your removal from back of the fair grounds to 2014?—A. Yes, sir, I did; I was 199 down there about two or three weeks or three or four weeks before the election.

Q. Who did you see when you went there?—A. I saw three or four men in there.

Q. Who did you talk to?—A. I don't know them; what men it was.

Q. Some gentleman that was out there in the hall?—A. No, sir; he was inside.

Q. Was he inside or outside of the counter?—A. He was inside of the counter, he was not outside. I was outside.

Q. Now, you asked him to register you?—A. Yes, sir; I asked him to register me.

Q. And you told him that you lived at such a place, and he looked on the book and informed you that you had already registered?—A. No, sir.

200 Q. Well, what did he say?—A. I signed my name; that is all I know. He got my name; I wrote it.

Q. What did he say to you? What did he ask you?—A. I told him I wanted him to register me, and there was three or four other fellows went up at the time. He came around there and asked me to sign my name and I did so.

Q. But he told you that you had been registered?—A. I don't remember his telling me that I had been registered. I know I had been registered once.

Q. You know that you had been registered once, and that you didn't have to register again?—A. I know I had to transfer before I could vote.

201 Q. You are sure that you told the clerk there that you lived at 2014 Biddle street?—A. Yes, sir.

Q. That is just what you said to him?—A. That is just what I said to him.

Q. Just in those words: that you lived at 2014 Biddle street?—A. Yes, sir; he asked me where I lived, and I told him 2014 Biddle street.

Q. When you went to the poll you offered your ballot, the judge

looked down the list, said your name was not on the list at that particular polling precinct, and gave you back your ballot?—A. Yes, sir.

Q. And you went away?—A. No; I didn't go away. I tried to register. I brought the man that I was renting from to prove that I 203 had been renting from him for seven months. Then he came out there and said how long I had been in town. At that time I had been on the river, and I had been in town about seven days; but my family was always in town. They said I couldn't register there and vote, because I hadn't slept in the city for nine days.

Q. Ten days?—A. Nine days, they told me.

Q. But ten days is the legal time.—A. Well, they didn't let me register.

Q. But you were less than nine days in town?—A. Yes, sir.

Q. There were Democrats and Republicans at that polls acting as judges?—A. I don't know who they was.

204 Q. Anyhow, that was the conclusion that they all arrived at—that you were not a proper voter at that particular precinct?—A. I proved that I lived there for several months.

Q. That is the conclusion that they came to there—all of them—that you couldn't vote there?—A. Yes, sir.

By Mr. POLLARD:

Q. You say that you just came in. How long had you been gone on the river?—A. Down to Vicksburg.

Q. This was your home?—A. Yes, sir.

Q. Your family lived here?—A. Yes, sir.

Q. Has lived nowhere else?—A. No, sir.

Q. And the clerk at the city hall told you it was all right when you went there to register?—A. Yes, sir.

Signature waived.

Not being able to complete the taking of these depositions at this time, I do now adjourn the further taking of the same until to-morrow, Saturday, February 19, 1881, then to be continued at the same place, at the hour of half-past nine o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 19.

Pursuant to adjournment as above stated on the nineteenth day of February, 1881, at the hour of half-past nine o'clock in the forenoon, I continued the further taking of these depositions, as follows:

1 JAMES JOHNSON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. James Johnson.

Q. Where do you live?—A. 1013 North 8th.

Q. How long have you been living there?—A. I have lived there six months.

Q. How long have you lived in the city?—A. I have lived in the city about ten years.

Q. How old are you?—A. On the 15th of March I will be 24 years old.

Q. You are a colored man, you were born in the United States, and you have always lived in the United States?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. No, sir.

2 Q. Never did?—A. No, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were the polls?—A. On Seventh street.

Q. Whereabouts?—A. On the west side.

Q. Between what streets?—A. Between Wash and Carr.

Q. Did you register at the poll?—A. I did not, sir,

Q. Did you tell them at the poll that you desired to register?—A. Yes, sir.

Q. Well, now state what you told them—what you told the judges or clerks, and whether you went inside the polling place.—A. I told them I went there to register; they asked me what was the reason I didn't

3 register before. I told them I didn't have time. They said, “Can you prove it?” So I went off to get some man who I have been working for, and when I got back they said I was too late.

Q. What time was that that you got back?—A. I got back between five and six o'clock.

Q. The polls were still open?—A. He said I was too late.

Q. Was there any one voting when you got back there?—A. It wasn't closed, but they told me I was too late and they would not register me.

Q. Did you tell them how long you had lived there at your place of residence, and how long you had been in the city?—A. Yes, sir.

4 Q. So you didn't register and didn't vote?—A. No, sir.

Q. What ticket would you have voted if you had been permitted to vote?—A. The Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Please state to us fully all that you said, and all that was done at the poll while you were there?—A. Well, sir, I went to the poll to register. I got there and they asked me what was the reason I didn't register before. I told them; then he went off, or at least I went off, to get some witnesses.

Q. What did you tell the judges?—A. I told them that my

5 reason was because I was busy and couldn't register before, and that I had come on election day to register and vote, and somebody there told me I couldn't unless I went and got some proof that I have lived there ; I went off to get proof, and when I got back he said I was too late.

Q. Did you get there when the polls closed ?—A. The door was open; I don't know whether it was closed or not; he said I was too late.

Q. There were no people voting when you got back there ?—A. They said I was too late.

Q. Well, there were no people voting there when you got back ?—A. There was people around there.

6 Q. But there were no people voting when you returned ?—A. Well, I didn't see any votes going in, but there were plenty of people around.

Q. They were waiting outside to hear what the tally was ?—A. That I don't know.

Q. You never saw people remain around a poll, then, after it is closed, for the purpose of ascertaining what was the result of that poll ?—A. I don't know of that.

Q. People are not in the habit of doing that ?—A. Yes, sir.
Q. And this poll had closed and these people were waiting to hear what the result of the election at that poll was ?—A. I wanted to vote, that was my desire.

7 Q. And you went there to vote simply ?—A. Yes, sir.

Q. The judges looked down the list, said that your name was not on their polling sheet, and therefore you couldn't vote there; is that all that was said ?—A. That is all they said; they told me I was too late.

Q. But your purpose in going there was to vote ?—A. Yes, sir.
Q. You offered your ballot and the judges looked down their list, didn't find your name, said you couldn't vote there, then you went away, and when you came back the poll was closed and they said you were too late ?—A. That I was too late; that is what he said, sir.

8 Q. What is your business ?—A. My business is following saloon—saloon tender.

Q. You never had any interview with the registering officer at the poll the day you went there ?—A. No, sir; never did.

Q. Did you ever vote in this country ?—A. No, sir; never voted.

Q. When you got back, were there many colored people standing around ?—A. There was right smart standing round there.

Q. Did you speak with them ?—A. No, sir; I didn't speak with anybody there, at all.

Q. Why did you not speak with them ?—A. Well, it was none of my business; I believed it was none of my business to speak to anybody.

9 Q. You took it for granted that it was too late. You had been at your business all day ?—A. Yes, sir.

Q. You thought the judges were right in the matter ?—A. I didn't know; they told me it was too late; I went to get witness to prove that I lived there, and when I got back they said it was too late; then I went to my work again.

Q. That is all the trouble you took about it ?—A. Yes, sir.

By Mr. POLLARD:

Q. When you went back the second time, do you know what time it was, or about what time it was ?—A. Well, I don't know exactly, between five to six o'clock.

Q. In the evening?—A. Yes, sir.

10 By Mr. DONOVAN:

Q. You are not certain about the hour?—A. No, sir.

Signature waived.

11 BEVERLY PETERSON, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name?—Answer. Beverly Peterson, sir.

Q. Where do you live?—A. On Biddle street.

Q. What number?—A. 1007 Biddle street.

Q. How long have you lived there?—A. I have lived about four months, since I have been here.

Q. You were living there on the day of election?—A. Yes, sir; a month before the election.

Q. How long have you liyed in the city, Mr. Peterson?—A. Well, it has been about two years since I came from Pittsburg, Pennsylvania.

Q. How old are you?—A. Me? I am 27.

Q. You are a colored man?—A. Yes, sir.

12 Q. You were born in the United States and have always lived here?—A. I was born in Pittsburg, Pennsylvania.

Q. You have always lived in this country?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. No, sir.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. To what poll?—A. On the corner of Ninth and O'Fallon.

Q. Did you register at the poll that day?—A. I got there to register.

Q. Did you register?—A. No, sir.

Q. Why not?—A. I went there to put my register in and they objected me.

13 Q. Why did they do that, what did they say to you?—A. They told me to come back again, and I went away and came back again in the afternoon after I got through, and it was the same way when I got back there.

Q. What did they say to you; did you go to the window where they were voting?—A. Yes, sir.

Q. Did you talk to anybody inside?—A. The registrar was sitting there.

Q. What did you say to him?—A. I said, "I want my register."

Q. What did he say to you?—A. He says, "You can't just now."

Q. Did he say why you couldn't just then?—A. No, sir.

Q. Did you tell him how long you had lived there?—A. Yes, sir.

14 Q. And how long you had lived in the city?—A. He never gave me any answer at all.

Q. How long did you stay there the first time?—A. I staid there, I guess, an hour or a half hour; I had to go away to my work and come back again.

Q. When did you come back?—A. In the afternoon.

Q. What did they tell you inside there then?—A. They said, "You can't register now, you have to wait a minute; there is too big a crowd."

Q. Did you wait?—A. Yes, I waited; and afterward I went up again; they said they aint got "time to attend to that fellow."

Q. So you didn't register or vote?—A. No, sir.

15 Q. What ticket would you have voted if you had been permitted to vote?—A. Why, the Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Now, Mr. Peterson, every colored witness that gets on this stand says that he offered to register?—A. I offered to register, of course.

Q. I desire to ask you to state fully just what was said and done when you approached that window on two different occasions, and we will judge then what you offered to do.—A. I went there to put my vote there, of course; to be registered.

Q. Of course, that is what you went to do.—A. I didn't register: I went there to get registered.

Q. Please state all that you did there when you went to that
16 poll, who you spoke to, what statements you made, and what you did.—A. I spoke to the gentleman at the registering place.

Q. Can you not state what you said?—A. I says to him, "It's mighty funny, fellows, that a man can't come here and put his vote in and you refuse to receive it."

Q. Now, just consider, take plenty of time; you are an intelligent colored man, and just give us what you said at that poll.—A. I said, "If that's the case, a man can't put his vote here and be registered, then there is no use to bother myself with it."

Q. I will have to ask you again to state just what you did say to the judges at the window.

Mr. POLLARD:

17 Q. When you first went there.—A. I says, "Judge, I come here to be registered," you see that is the words I spoke to him; he says to me, "We can't take your name;" I says, "Why, what is the reason?" He says, "That's all I have got to say," and I didn't say any more to him.

By Mr. DONOVAN:

Q. Now, this is what you said and did; carefully consider it; you went to the window with the ballot in your hand?—A. Yes, sir.

Q. You offered it to the judge?—A. Yes, sir.

Q. The judge looked down the list of names and informed you that he didn't find your name on that list?—A. Yes, sir.

Q. Said then, that you can't vote at this particular polling pre-
18 cinct?—A. Yes, sir.

Q. And then you went away?—A. Yes, sir.

Q. Now, that is the truth of the matter?—A. Yes, sir.

Mr. POLLARD:

Q. And that all occurred after you told him that you wanted to register and vote?—A. Yes, sir.

[(Mr. Donovan, counsel for contestee, objects to the counsel for the contestant putting into the mouth of the witness again the proposition to register, when he has stated to me fully the facts that transpired at that poll in regard to his ballot; which was simply an offer to vote which could not be received, because his name was not on the registration list at that poll.)

Signature waived.

19 ZACHARY TAYLOR, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Zachary Taylor.

Q. Where do you live?—A. Rear of 813 Biddle street.

Q. How long have you lived there?—A. Going on thirteen months.

Q. How long have you lived in the city?—A. About thirteen or fourteen year.

Q. How old are you?—A. About 26 or 27.

Q. You are a colored man, you were born in the United States, and you have always lived here?—A. I live here about thirteen year, I say.

Q. You have always lived in the United States?—A. Yes, sir.

Q. And you are a colored man?—A. Yes, sir.

20 Q. Now, have you ever registered at the city hall, Mr. Taylor?—A. No, sir; I have not.

Q. Did you go to the polls last fall on election day?—A. Yes, sir.

Q. Whereabouts; what poll?—A. Betwixt Ninth and Tenth on O'Fallon street.

Q. Between Ninth and Tenth on O'Fallon street?—A. Yes, sir.

Q. What did you do when you went to the polls, Mr. Taylor?—A. I went to register and to vote.

Q. Did you register?—A. No, sir; I did not.

Q. Did you vote?—A. No, sir.

21 Q. Why didn't you register?—A. They wanted to know the reason I didn't go to the city hall and vote. I told them I wasn't here at that time.

Q. You told them so?—A. Yes, sir.

Q. Did you tell them where you lived?—A. Yes, sir.

Q. Did you tell them how long you had lived in the city?—A. Yes, sir.

Q. And did you farther more inform them that you had never registered here?—A. Yes, sir; I informed them that I had never been registered here.

Q. What did they say?—A. They told me to stand back awhile.

Q. And you did?—A. Yes, sir; I did.

Q. Then you did not register or vote?—A. No, sir.

22 Q. What ticket would you have voted if you had been permitted to vote?—A. Straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When did you vote for Hayes?—A. I didn't vote at all, sir.

Q. Do you mean to say that you have lived in this city thirteen years and have never voted here?—A. Yes, sir; I mean to say so.

Q. What were you doing, what was your business?—A. I was on the river at the time that Hayes ran; as near as I can recollect that, I was on the river.

Q. Are you a roustabout?—A. Yes, sir; I labors on the levee now and then and on steamboats, I does both.

Q. How long prior to the election did you come to the city?

WITNESS. This last election?

COUNSEL. Yes.

23 A. I was here on the last election day.

Q. How long prior to the election did you come to the city?—A. I don't know what you mean.

By Mr. POLLARD:

Q. How long before the election did you arrive here; that is the English of it?—A. Two or three days, I guess.

By Mr. DONOVAN:

Q. You arrived here then previous to the election day?—A. I was here on that.

Q. You arrived here on that day?—A. No, sir; I was here two or three days before.

Q. You think so now?—A. Yes, sir.

Q. Are you certain about it?—A. No, sir; I aint certain; I say I was here two or three days.

24 Q. Don't you know whether you were here one or two or three days prior to the election?—A. No, sir; I couldn't say exactly how many days I was here before.

Q. What boat were you on?—A. The Howard.

Q. Do you know when the Howard arrived here before election day?—A. No, sir.

Q. You have steamboated for a great many years?—A. Yes, sir.

Q. And you have made your home on the river?—A. No, sir; I don't make my home on the river.

Q. Are you married or single?—A. Married man, sir.

Q. Did you vote at any other town along the river on that day?—A. No, sir.

25 Q. Did you vote in the second district on that day?—A. No, sir; I aint vote at all.

Q. Who got you to go to the poll?—A. That gentleman out there; he took me up this morning.

Q. Who is this gentleman out there?

Mr. POLLARD. Mr. Donovan is asking you about the election day, about the polls.

A. Oh, to the polls; I didn't went there with him; I went myself.

By Mr. DONOVAN:

Q. Can you explain to us why you never voted when you lived in this town thirteen years?—A. The first time that I was here, I was too young, I guess, at least people told me I was too young; so I didn't bother about it; and the election day before this last I wasn't here.

26 Q. Don't you know that there have been many elections in this town since you became of age?—A. Yes, sir; I suppose there has been a many a one.

Q. And do I understand you to say that you never voted at any of them?—A. Yes, sir; I never voted at any of them.

Q. Never voted for General Grant even?—A. No, sir.

Q. Please state fully, and after careful consideration, all that was said and done when you approached that poll?—A. I went up there to register and vote, and they asked me what was the reason I didn't go to the city hall and register. I told them I wasn't here.

27 Q. Have you been in the drill-room out there?—A. No, sir; I don't know where it is.

Q. The drill-room is right next door?—A. No, sir; I aint been there that I knows of.

Q. Who told you to say that you offered to register?—A. They didn't anybody tell me to say that.

Q. I asked you to state just what was said and what was done; can't you tell me that?—A. I told you what I said there.

Q. State it again.—A. I told you that I went there to register and vote.

Q. I am asking you to tell me what you said there, and we will then judge and form our own conclusions; do you understand that? I mean what talk you had, what you said, what they said to you.

28 —A. I said, I want to register and vote for the straight Republican ticket.

Q. Then you went up to the window and said to the judge, I want to register and vote for the straight Republican ticket?—A. Yes, sir.

Q. Now, that is what you said?—A. Yes, sir; that is what I said.

Q. Don't you know that it is not the habit of voters to state what ticket they want to vote at any election poll? You never saw voters do that; you must have said something different.—A. No, sir; I didn't.

Q. Can you read?—A. No, sir.

Q. Don't you know that the judges have got no right to pass 29 ballots out to any voters, either Democrats or Republicans?—A. No, sir; I don't know that.

Q. The tickets were all outside, were they not?—A. Yes, sir; the tickets were outside; at least I saw men with tickets.

Q. Did you have a ticket in your hand?—A. No, sir.

Q. Did anybody talk to you outside the poll?—A. There was two or three white men talking to me.

Q. Did they give you a ticket?—A. They offered me one.

Q. Wasn't there a board with tickets on it near that polling window?—A. I saw them giving tickets.

Q. Very well; did you take any?—A. I didn't take any.

Q. Why didn't you take any?—A. I didn't know what I was doing, so I didn't take none.

Q. You can't read, then?—A. No, sir; I can't read.

30 Q. You wouldn't know what was on the ticket, if you had got it?—A. No, sir.

Q. Who invited you to come here?—A. I come here with that gentleman there standing at the door.

Q. What is that gentleman's name?

By Mr. POLLARD:

Q. What is his name, if you know it?

WITNESS. What is your name, Jim or what (addressing a colored man present)?

A. (Party addressed.) Jones.

WITNESS. Jones.

By Mr. DONOVAN:

Q. What did he say to you?—A. He asked me to come up with him; and I come.

Q. What else did he say to you?—A. That's all.

31 Q. To come up where?—A. To come up here to the office.

Q. For what purpose?—A. To put my vote in if I could get it in, I guess.

Q. Don't you know that this is not a voting place; is it or is it not?—A. I don't know, sir, what it is.

Q. Well, you know it is not a voting place?—A. Well, if I don't know, you can't make me know; I said I don't know what it is and I don't know.

Q. What sort of place is this?

By Mr. POLLARD:

Q. Oh, tell him, if you know, and let us get through with this question!—A. It is like an office of some kind.

By Mr. DONOVAN:

Q. So all that this man Jim or Jones, or whatever it is, said to you was to come along with him?—A. Yes, sir.

32 Q. How far did you walk with him?—A. I come from Twelfth and Carr.

Q. How far is that from here?—A. It is seven or eight squares, I guess.

Q. He didn't say anything else to you along the route?—A. No, sir.

Q. You just walked alongside of him to come down here?—A. No, sir; I didn't walk alongside. I was behind him all the way down.

Q. But he came after you to bring you here?—A. No, sir; I was up there and I come on with the crowd.

Q. How many was in the crowd?—A. Six of us, I believe.

Q. Well, you didn't say anything to anybody about what you were going to testify to here?

WITNESS. To him?

COUNSEL. Yes.

A. No, sir; I didn't.

33 Q. Or to your friends in the crowd?—A. No, sir.

Q. You never spoke to anybody before you got on the stand, as to what you were going to say?—A. No, sir.

Q. How did they find out that you did not succeed in registering at the poll?—A. Well, I don't know how it was, but there was a man round about two week ago.

Q. Who told you that you could earn seventy-five cents here if you would come here to swear to that?—A. I don't know anything about that.

Q. Don't you know that you are going to get seventy-five cents?—A. No, sir; I don't know that.

Q. Seventy-five cents is a matter of supreme indifference to you?—A. I can get seventy-five cents without coming here to get it, as far as that is concerned.

34 Q. But that wasn't the inducement that brought you here?—

A. No, sir; it wasn't.

Q. What are you doing now?—A. I aint working at all now, I am sick.

Q. Well, the judges, when you approached the poll, treated you politely?—A. Yes, sir; they did.

Q. You remained there an hour talking to Republican agents?—A. I didn't talk to them all the while, sir.

Q. But you were talking with them awhile and stating the facts in your case?—A. Yes, sir; for awhile I was.

Q. And nothing was done with it?—A. No, sir.

Q. Then the Republican agents didn't advise you in regard to it?—

35 A. They didn't pay much attention to me at all, they didn't take my vote or let me register, so I don't think it was paying any attention to me.

Q. Now, will you swear, point blank, that you were not requested to state when you got on the stand that you registered or offered to register?—A. I didn't say that I registered. I said I offered to do that.

Q. Weren't you requested to state that just as soon as you were on the stand?—A. Yes, sir.

Mr. DONOVAN. That is all, then.

By Mr. POLLARD:

Q. Now, did you understand his last question: Did somebody tell you to make such a statement as this?—A. No, sir.

Q. You were subpoenaed to come here?—A. Yes, sir.

36 Q. There was a paper left with you ordering you to come here?—A. Yes, sir.

By Mr. DONOVAN:

Q. Now, after thinking the matter over, the facts in your case are these: you went to that window, you offered your ballot to the judge, the judge looked down the list, said, "Mr. Zachary Taylor, your name is not on this list—you can't vote," and you then went away?—A. Yes, I went away.

Q. Those are the facts of your case?—A. I told them I wanted to register and vote. I knew my name wasn't on there when I went there, because I wasn't here in time to register.

Q. Did you know the registering officer there?

WITNESS. Did I know him, sir?

By Mr. POLLARD:

37 Q. That's the question?—A. No, sir; I didn't know him.

By Mr. DONOVAN:

Q. Did you talk to any registering officer there?—A. I talked to the man that was inside there.

Q. Don't you know that the registering officer sat at the table, inside of the room, and people went to him when they wanted to register and not to the judge?—A. I don't know which one of these it was.

Q. But you saw him sitting at the table inside of the room, yet you talked to the judge, whose only business it was to ascertain whether your name was on the list or not; isn't that the fact?—A. That might have been; I didn't know the registering officer from the judge.

38 Q. But you saw people going in there and registering?—A. Yes, sir.

Q. Why didn't you go in?—A. I don't suppose I had sense enough to go in.

Q. You don't confess yourself to be an idiot, do you?—A. No, sir; I don't confess myself to be an idiot.

Q. Well, you saw people going into that room, black and white, and registering before the registering officer; then why didn't you go in?—A. I didn't know the business in there.

Q. Well, you just didn't post yourself about it?—A. No, sir; I didn't post myself.

Q. And no Republican canvasser about there posted you?—A. Nobody at all.

Q. And although you remained for a long time, you never inquired as to what you had to do in order to be able to cast a proper 39 ballot at that poll?—A. No, sir.

Signature waived.

40 HENRY TWELLMAN, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Henry Twellman.

Q. Where do you live?—A. Between 16th and 17th, on Sullivan avenue.

Q. Is there a number on your house?—A. Yes, sir.

Q. What is your number?—A. 1627.

Q. How long have you lived at this place, Mr. Twellman?—A. I lived there in July coming fifteen years.

Q. How long have you lived in the city of Saint Louis?—A. I been in Saint Louis 26 years.

Q. How old are you?—A. 44.

Q. Did you ever register at the city hall since you have lived
41 at 1627 Sullivan avenue?—A. No, sir.

Q. Did you ever register at the city hall?—A. No, sir.

Q. Did you ever register at the poll?—A. No, sir; I registered once
on 18th and Warren street.

Q. That was many years ago?—A. Yes, sir; that was a good many
years ago.

Q. Where were you living at that time?—A. 1627, Sullivan avenue.

Q. Have you ever voted since you lived there?—A. Yes, sir.

Q. More than once?—A. Yes, sir; all the time.

Q. Several times?—A. Yes, sir; several times.

Q. Did you go to the polls on last election day?—A. Yes, sir.

42 Q. Where were those polls?—A. The polls was on 17th and
Wright streets.

Q. When you went to the polls, did you find your name on the poll
book?—A. My name was there, but they said somebody had voted on
my name; that is what they said in the office, that my name had been
given there before; not on my number, but it was on a different number.

Q. Then, you didn't find your name there with the proper number to
it?—A. No, sir.

Q. Is there any other Twellman living in that neighborhood?—A.
Yes, sir; he moved there lately.

Q. Since the election?—A. No; before the election.

Q. How long before the election?—A. I think a month or six weeks.

Q. Where did he live?—A. On 17th and Sullivan, on the corner.

43 Q. This number on the poll books against your name was 1629
Sullivan?—A. 1629 Sullivan.

Q. Was there any Twellman living in 1629 Sullivan?—A. No, sir.

Q. Then, you did not vote on that day?—A. No, sir; I couldn't vote;
I voted under protest.

Q. Did you write your name on your ballot?—A. Yes, sir.

Q. What was done with it?—A. They put it in an envelope, and, I
think, they put it somewhere.

Q. What ticket did you vote, Mr. Twellman?—A. I put in a Repub-
lican ticket.

Q. Straight?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

44 Q. You have stated, in answer to a question in your direct ex-
amination, that you never registered?

Mr. POLLARD. He said at the city hall. •

By Mr. DONOVAN:

Q. And you just stated that you voted. Now don't you know that
you could not vote unless you had previously registered?—A. I got reg-
istered, I say, on 18th and Warren street.

Q. Now, after you registered at 18th and Warren street, did you go
to the city hall and notify them of the fact that you had removed to
1627 Sullivan avenue?—A. No, sir; they said I didn't need to go there.

Q. Who told you?—A. Lots of people what was out there, they said
I live there so long that I didn't need to do that.

45 Q. But after you registered from 18th and Warren, and you
did not notify the authorities at the city hall that you had moved
to 1627 Sullivan avenue?—A. No, I was living there before; when I got
registered at 18th and Warren street; I never moved; I lived there since
I got married.

Q. You stated that there was another Twellman in the neighborhood ?—A. Yes, sir; there is one in the neighborhood.

Q. And he was registered and voted ?—A. I don't know nothing about him.

Q. His name was on the list there, and he voted ?—A. I don't know; I wasn't there the same time, I don't know whether he voted or not.

Q. But he was entitled to vote ?—A. I guess so; he was a citizen I suppose.

46 Q. And he voted the Republican ticket ?—A. I don't know.

Q. He is a German ?—A. Yes, sir.

Q. And of like politics with yourself ?—A. I don't know if he was or not.

Q. He lives a few doors from you ?—A. That is about all.

Q. Did you ever talk with him ?—A. Yes, sir; several times.

Q. You know his politics ?—A. I never asked him what kind of a ticket he was going to vote on election day.

Q. But you know his politics to be Republican ?—A. He might have voted the Democratic ticket; I don't know, I took my ticket to the polls.

Q. Do you know his politics ?—A. He works in Filley's foundry, that's all I know about him; I don't know his politics.

Q. How old a man is he ?—A. I think he is about 30, 29 or 30—47 maybe 31, I can't say particular.

Q. Well, he is a genteel working man ?—A. Yes, sir; he is working in the foundry of Mr. Filley; I heard he was one to go to the poll early in the morning, and I went late in the evening.

Q. But he was entitled to vote there ?—A. I guess he must have been entitled; I guess he has got the right to vote; I didn't see him vote.

Q. Do you mean to say that his name or your name was on the list ?—A. My name was on the list; that is, when I wanted to put my ticket in they said my name was already voted on, and I couldn't vote, and they said my number is 1629. But my number isn't; my number is 1627; my neighbor has got 1629.

48 Q. Was that the only Henry Twellman on the list ?—A. Yes, sir.

Q. And he lived where ?—A. Henry Twellman lives there, of course, on Sullivan avenue.

Q. And had a right to vote there ?—A. I guess so.

By Mr. POLLARD :

Q. But he didn't live at 1629, he lived at 1700 and something ?—A. He lived at 1627.

Q. That is the only Henry Twellman ?—A. There is not no Henry Twellman; his first name is William.

Q. And he lives at 1700 and something ?—A. I don't know the number at all; he lives right on the corner of 17th and Sullivan avenue.

By Mr. DONOVAN :

Q. You don't know what his number is; it might be 1629 ?—A. No, sir; that is my neighbor next to me.

49 Q. Your number wasn't right on that book ?—A. It should be, I got my number for the last ten years, all right.

Q. And you were from a different house than you claim to live in ?—A. I don't claim to live in that house, I hardly can claim the next house, because I live in my own house.

Q. But your name didn't appear on that book as from 1627 ?—A. It was 1627, but somebody voted on my name as 1629, and they wouldn't take my vote.

Q. It appeared on the book, Henry Twellman, 1629?—A. Yes, sir; that is what was on the book.

Q. But it did not appear as 1627?—A. No, sir; a fellow voted on 1629.

50 Q. Now, how did you come to make that mistake in putting 1629 instead of 1627 to your name?—A. How did I come to make that mistake? When I went to the poll and got my vote, I told them what my name was; somebody in the office said there was a vote on my name already; they said he voted from 1629; I told them that wasn't my number; I told them what my number was; so they said I couldn't vote at all; but I staid there.

Q. How long did you stay?—A. About a quarter of an hour; I would like to get my vote in, that's what I am after.

Q. Well, you didn't get it in?—A. I got it in under protest; I don't know what they done with it.

Signature waived.

51 JOHN G. BRUDER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. John G. Bruder.

Q. Where do you live?—A. 1310 Benton street.

Q. How long have you lived there?—A. Well, I have lived there about twenty-four years, except five years when I was in the country.

Q. How long since you came back from the country?—A. Oh, about eight years; seven or eight years; I don't know exactly.

Q. How long have you lived in this State, Mr. Bruder, in Missouri?—A. About twenty-five years.

Q. How old are you?—A. About 54.

52 Q. How long have you lived in this country?—A. About 30 years; 32 years.

Q. Were you ever naturalized; did you take out your papers since you came here?—A. Yes, sir.

Q. Did you ever register since you lived at 1310 Benton street?—A. Yes, sir.

Q. You went to the city hall and registered?—A. After I came back from Illinois.

Q. From the country?—A. Yes, sir; a year after. They wouldn't let me vote, and then I had to wait a year.

Q. Did you ever vote since you lived at 1310 Benton?—A. Yes, sir.

Q. Did you go to the polls last election day?—A. Yes, sir.

53 Q. Whereabouts?—A. On Fourteenth street and North Market.

Q. When you went to the polls, did you find your name on the poll book?—A. No, sir; it had been stricken off. It wasn't there at all.

Q. So you didn't vote?—A. Yes, sir; I voted. I know those men in there, and I told them I want to vote; this man in the office that was sitting there I told him, and they told me I shall vote, that is all right; so I went in, they swore me, and voted me there on the paper and I voted.

Q. What ticket did you vote?—A. I voted a Democratic ticket, except I scratched Frost's name out and put Sessinghaus's name on and another man; I don't know what his name is now.

54 Q. Did you put your name on the back of your ticket; did you write your name on the ticket?—A. I don't know anything about that.

Q. You didn't do that?—A. Another man done it, I expect.

Q. What did they do with your ticket after they took it?—A. I believe they laid it on the table.

Q. You didn't see them put it in the box?—A. No, sir; I didn't see them put it in the box.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You didn't wait there to see them put it in the box?—A. I think they put it on the table; they was talking, but didn't put it in the box

Q. You have voted frequently in this city before?—A. Oh, yes.

55 Q. When did you return to the city from the State of Illinois?—A. I can't recollect exactly, eight or ten years ago.

Q. Where did you live when you came back from Illinois?—A. The same place.

Q. Do the numbers run regular there?—A. Yes, sir; all time.

Q. Do you live in the front or rear?—A. Yes, sir.

By Mr. POLLARD:

Q. He wants to know whether you live in the front or in the rear?—A. In the front.

By Mr. DONOVAN:

Q. What was the number of your polling precinct?—A. Well, I don't know the number; I can't say; it's on Fourteenth and North Market.

56 Q. Are you sure that you went to the right precinct?—A.

They say so; I asked there; it's between Thirteenth and Fourteenth on Benton street; they said I belonged to that place; on the last election day it was on Fifteenth and North Market, when Overstolz was running; my name was there all the time; for two elections before my name was there.

Q. Well, there were some Germans that were judges of election there?—A. Yes, sir.

Q. And you talked with them?—A. Yes, I know Branahl, he was all time on the board; he was president in the board, and he was Republican. I don't know what he is, I never asked him; he is a friend of mine, but that don't make no difference whether he is Democrat or Republican; he is a friend to me.

57 Q. And he told you that you couldn't vote there?

WITNESS. Couldn't vote there; no, he says, I shall vote, that is my precinct.

Q. And he took your vote?—A. He took my vote, yes.

Q. Were you present at your house when the reviser for your ward visited your place?—A. No, I never see him; I wasn't home.

Q. Were no members of your family there?—A. I don't know anything about it, nobody told me anything if he was there or not. I don't know.

Signature waived.

58 EDMUND POINTER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Edmund Pointer.

Q. Where do you live?—A. On Tenth street, between Biddle and Carr.

Q. What is your number on Tenth ?—A. 1110

Q. Rear or front ?—A. Right front.

Q. How long have you lived there ?—A. I have been living there four years, may be a little over.

Q. How long have you lived in the city ?—A. Since 1864.

Q. That is seventeen years ?—A. Yes, sir.

Q. How old are you ?—A. Well, I guess as near as I can come at it, about 51.

59 Q. You are a colored man, you were born in the United States and have always lived here ?—A. Yes, sir.

Q. Did you ever register at the city hall ?—A. Yes, sir, once ; I was registered once at the city hall for the last Presidential election.

Q. Now, did you ever go to the city hall to register ?—A. I went to register about a month before the election come off, understand me, and they said my name was all right.

Q. Now, where were you living at the last Presidential election, when you voted for Hayes ?—A. At the same place, in the same house.

Q. Were you registered there ?—A. Yes, sir.

Q. Did you go to the polls on this last election day ?—A. Yes, sir.

60 Q. Where were those polls ?—A. Ninth and Carr.

Q. When you went to the polls, did they find your name on the books ?—A. No, sir ; they did not, sir.

Q. Your name had been erased ?—A. Yes, sir.

Q. Did you vote ?—A. No, sir ; I just walked away.

Q. What ticket would you have voted, if you had been permitted to vote ?—A. Straight Republican ticket.

Q. You went to the window and made an offer of it, did you ?—A. Yes, sir.

Q. And then your name wasn't found there, and you went away ?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee :

61 Q. Now, if you had registered from the same place, what was the object of your visit to the city hall ?—A. I went there to get my name in again ; I didn't know but what it was all right.

Q. Don't you know that there was no necessity for going there, if you hadn't removed ?—A. I don't know that there was any necessity at all, I thought it was necessary to go every time.

Q. Did you not have plenty of people to advise you ?—A. I didn't ask anybody's advice at all.

Q. You didn't ask anybody ?—A. No, sir ; I did not.

Q. Did you go down there by yourself ?—A. I came in town off the river, and I went there myself.

62 Q. Your business is, then, that of a river man ?—A. Yes, sir.

Q. What do you do on the boat ?—A. Roustabout, just the same as any other man there.

Q. You spend your life at that ?—A. Yes, sir.

Q. Your home is on the river ?—A. Yes, sir ; my home is on the river ; but when I am in town, it's on Tenth and Carr ; that's my home.

Q. How long prior to the election did you arrive in the city ?—A. About a month.

Q. What boat are you on ?—A. The Fanny Lewis.

Q. Where does she travel to ?—A. To Kansas, and sometimes Vicksburg.

Q. Are you married now ?—A. I has been married ; but my wife is dead.

Q. Were you married on election day?—A. No, sir; I wasn't
63 married at election time.

Q. Is this a boarding-house, 1110 North Tenth?—A. It is a house which a man and his wife keeps; it isn't a boarding-house. I just stays with this family when I come in town.

Q. Well, you were not present when the reviser came there?—A. I don't know as I was; if I had I would have seen him.

Q. And the people said that your home was on the Fanny Lewis, traveling either to Kansas City or Vicksburg?—A. When I am in town I live in that place.

Q. Have you got property there?—A. No, sir; I has no property at all.

Q. Well, sometimes you stop there and sometimes you stop at other places?—A. I stop at that place at night when I am in town. I am sure to go there.

Q. Don't you board on the levee at times?—A. I never did.

Q. But you take your meals on the levee frequently?—A. I take them down and eat them out of buckets.

Q. Where are the buckets?—A. The bucket is at home now.

Q. Do you eat out of a bucket when you are at home?—A. I don't eat out of a bucket; I take my knife and get at it.

Q. What I want to know is this: where are those buckets?—A. They are sitting at home, I reckon.

Q. Don't you eat off a plate when you are at home?—A. When I am at home, yes.

Q. Then, you do take your meals on the levee?—A. Yes; but I don't board there.

65 Q. Why do you eat out of a bucket on the levee?—A. Because you put the victuals in the same as you put water in to drink.

Q. How large are those buckets?—A. Common-sized dinner-buckets.

Q. As big as an ordinary water-pail?—A. No, sir; if they did they would hold more than you could tote.

Q. Now, what you mean to say is that you and other roustabouts have your meals furnished you in buckets?—A. I mean this: if I am going to labor on the levee and I have my dinner-bucket with me, and somebody comes along and makes me a present of his dinner, I put his dinner along with mine. That is when I labors on the levee.

66 Q. I suppose you had labored on the levee?—A. I labors on the levee sometimes, and I works on the boat, but when I am in town I makes my home up on Carr and Tenth street.

Q. Now, the real facts in the case are that you take your meals on the Fanny Lewis?—A. They give me plates to eat them out of whenever they give me meals there.

Q. How do you account for your name not being on the list?—A. Because I wasn't there the day it was put on the list when the election come off. I wasn't there that day.

By Mr. POLLARD:

Q. What do you mean by not being there the day the election come off?—A. I am talking about—

Q. To register, you mean?—A. Yes, sir.

67 Q. But you were there on election day?—A. Yes, sir; but not to register I wasn't.

Signature waived.

68 J. W. MOHRMANN, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD:

Question. What is your name ?—Answer. J. W. Mohrman.

Q. Where do you live ?—A. I live on Sixteenth and Dodier street, 1601.

Q. 1601, what street ?—A. 1601 Dodier street. I live there about twenty-two years.

Q. How old are you, Mr. Mohrman ?—A. Fifty-two.

Q. How long have you lived in this country ?—A. Twenty-eight years.

Q. Have you ever been naturalized; did you ever get out your papers ?—A. You bet; yes, sir.

Q. Now, Mr. Mohrman, you have registered since you lived at this place ?—A. Oh, yes; voted from there repeatedly. I always 68½ vote from there every time.

Q. Did you go to the polls on last election day ?—A. Yes, sir.

Q. Where were those polls ?—A. 17th and Wright; the year before they had it at my house.

Q. Did you vote on last election day ?—A. Yes, sir.

Q. Do you know what was done with your vote ?—A. I don't know.

Q. What ticket did you vote, Mr. Mohrman ?—A. Republican ticket.

Q. Straight Republican ticket ?—A. Yes, sir.

Q. You found your name on the list when you went there ?—A. Yes, sir.

Q. All right ?—A. Yes, sir.

69 Q. And you handed in your ballot ?—A. Yes, sir.

Q. But whether they put it in the ballot-box you don't know !—A. I do. I saw it put into the box.

Q. Your ticket did go into the box ?—A. Yes, sir.

Q. But whether it was counted or not, you don't know ?—A. No, sir; I don't know anything about that.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. Well, you voted as any other party votes ?—A. Certainly.

Q. And your vote was treated just as other votes ?—A. Yes, sir; they never put any question to me; of course they all knew me.

70 Q. They just took it, put it in the box where it belongs ?—A. Yes, sir.

Signature waived.

71 WILLIAM JACKSON, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD:

Question. What is your name ?—Answer. William Jackson.

Q. Where do you live ?—A. I live between 8th and 9th, on Wash street.

Q. What number ?—A. 1008.

Q. Do you live in the rear ?—A. Yes, sir.

Q. That is between 8th and 9th on Wash ?—A. Between 8th and 9th and Carr and Wash.

Q. Between 8th and 9th, between Carr and Wash, in the rear ?—A. Yes, sir.

Q. And that is in the rear of 1008 ?—A. Yes, sir.

Q. How long have you lived there?—A. I have lived there about five years.

72 Q. How long have you lived in Saint Louis?—A. I have been living in Saint Louis six years.

Q. How old are you?—A. I was 23 years old this 21st of December last gone.

Q. You are a colored man?—A. Yes, sir.

Q. Did you ever register at the city hall?—A. No, sir.

Q. Did you ever register in the city?—A. No, sir; never voted anywhere else.

Q. Never voted anywhere?—A. No, sir.

Q. You went to the polls on election day?—A. Yes, sir.

Q. Do you know where these polls were?—A. Yes, sir; on O'Fallon street, between 9th and 10th.

73 Q. When you went to the polls, did you go up to where they were voting?—A. Yes, sir.

Q. What did you say when you went there to the window?—A. I told them I wanted to register when I went there.

Q. What did they say to you then?—A. The man inside told me to "get back, it's too crowded," and I stood back.

Q. When you told them that you wanted to register there at that polls, did you tell them your name?—A. Yes, sir; he told me to get back, there was no room for me. I told them where I lived, and how long I had lived there.

Q. And they told you there was no room, but you must stand back?—A. Yes, sir.

74 Q. Did you go up to the window again?—A. I didn't get there again until it was mighty near night; he told me he would see me directly; that thing occurred several times.

Q. Did the same thing occur every time that you went up there?—A. No, sir; not always the same thing.

Q. What ticket would you have voted, if you had been permitted to vote there that day?—A. I would have voted the Republican ticket, of course.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you read?—A. No, sir.

Q. Did you have a ticket in your hands?—A. Yes, sir.

Q. What ticket did you have?—A. Republican ticket.

75 Q. How do you know it was a Republican ticket, if you can't read?—A. Well, I took their word for it; I can't read.

Q. Did you take the word of a Republican or a Democrat?—A. I took the word of a Republican.

Q. How do you know he was a Republican?—A. That's what they told me.

Q. Somebody else told you that this man who gave you a ticket was a Republican, but you couldn't swear what his politics were?—A. No, sir; no man reads it for me.

Q. Well, he just handed you the ticket, and said this is the Republican ticket?—A. He handed me a ticket, and said that was a Republican ticket.

Q. Did you know the registering officer at the polls?—A. No, sir.

76 Q. He was sitting in the room?—A. Yes, sir.

Q. By the judges?—A. Yes, sir.

Q. At a table?—A. Yes, sir.

Q. Did you see men, colored and white, registering before him?—A. Yes, sir.

Q. You applied to the man at the window, to the judge?—A. Yes, sir.

Q. Why did you not go into the room with the other colored men?—A. Some were at the door, and some were inside.

Q. Why didn't you go inside to the proper officer?—A. It was so crowded there that I couldn't get there; so I went to the window.

Q. Don't you know that the man at the window couldn't register you, because he was the judge?—A. He was there; I don't know what he was; he was talking to the folks, and he told me to go back.

Q. The judge at the window was receiving the ballots of qualified voters; he was not registering anybody; the registering officer was inside; you saw him there?—A. Yes, sir.

Q. Why didn't you go the proper officer and make your application?—A. I wanted to; but I couldn't get in; there was too much of a crowd there.

Q. So you didn't take the trouble to push through the crowd and register?—A. Yes, sir; I did try to get in.

Q. But you didn't wait long enough?—A. I didn't go away; I staid there about two hours.

Q. How many colored men were registered while you were there?—A. About three or four was in there.

Q. Why didn't you register when they were registering?—A. I tried to get in, but I couldn't.

Q. Then you didn't get in?—A. No, sir.

Q. So that the secret of your not being permitted to vote that day is, because you were not as enterprising as the other colored men that day who did succeed in obtaining the attention of the registrar?—A. Yes, sir.

(Signature waived.)

79 WILLIAM REED, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. William Reed.

Q. Where do you live?—A. I lives between Glendale and Victoria, on Saint Louis avenue, back in the rear on the Saint Charles Rock road.

Q. How long have you lived there?—A. Twelve months; going on twelve months, sir.

Q. How long have you lived in Saint Louis?—A. This coming March it will be three years.

Q. How old are you?—A. Twenty-nine years old.

Q. You are a colored man?—A. Yes, sir.

Q. You have always lived in the United States?—A. Yes, sir.

80 Q. Did you ever register here at the city hall?—A. Yes, sir: I registered this last election.

Q. You went to the city hall this last election and registered?—A. Yes, sir.

Q. Where were you living then?—A. I was living at the same place.

Q. Had you ever registered before?—A. Yes, sir; I registered in North Carolina.

Q. Did you never register in this city?—A. No, sir; never.

Q. Did you go to the polls on election day where they voted?—A. Yes, sir; I went to the voting place.

Q. Where was that?—A. At the Three-Mile House, there at Mr. Post's, at the Three-Mile House; I don't recollect the number.

Q. On the Saint Charles Rock road?—A. On the Saint Charles Rock road.

Q. When you went there did they find your name on the book? 81 —A. They didn't find it at all; I had my ticket to put it in, but my name was not there; so I had to come down here to the hall again, and then went back to the poll once more.

Q. When you went to the city hall—let's get through with that first? —A. They saw my name was there; they found it on the book all right.

Q. Well, what did you do?—A. I goes back to the polls again, you know, and that gentleman won't take it, but during the day they took my ticket.

Q. You don't know what they did with it?—A. No, sir; I don't know what they did with it.

Q. Did you write your name on the back of your ticket, or did they put your name on the back of the ticket that you voted?

WITNESS. My name?

Q. Yes, did they do that?—A. I don't recollect it at all.

82 Q. Did the ticket go into the ballot-box?—A. I don't know, sir; they took it.

Q. What ticket did you vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. When you got back from the city hall you handed your vote, and it was put in the ballot-box?—A. I don't know whether it was put in the box or not.

Q. Did you stop to see?—A. I had no time; they took it, and I got out of the way, and went away then.

Q. Well, you voted just like the whole line of voters there?—A. Yes, sir; I voted like the rest of them voted.

Q. When you went back the second time the judges said that you would be permitted to vote there?

WITNESS. Did I?

83 Q. Will you please not be repeating these questions to me, I asked you the question plainly, and you can answer it without repetition.

Question read to the witness.

A. They took my ticket.

Q. And said it was all right?—A. I never heard them say it was all right; they just took my ticket and told me to get out of the way. I am just telling you what they told me.

Q. Well, after you voted, you passed on to permit other voters to come up to the window?—A. Yes, sir.

Q. Can you read?—A. No, sir; I don't know a letter in the book.

Q. What sort of a ticket did you have in your hand?—A. Well, a printed one from the Republican party; I knew it to be such; it was a Republican ticket.

Q. Was the man that told you that a Democrat or Republican?—A. I don't know, sir; I just took his word.

Signature waived.

84 HENRY CHAMPION, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Henry Champion.

Q. Where do you live, Mr. Champion?—A. I live 1207 North Eighth.
Q. In the front or rear?—A. I live in the rear.

Q. How long have you lived there?—A. It was about as nigh as I can recollect—I don't recollect the month, but I was there about three or four weeks before the election.

Q. How long have you lived in the city of Saint Louis?—A. I have been living in Saint Louis ever since the year 1863.

Q. Seventeen years?—A. Yes, sir.

Q. Or eighteen years, rather?—A. Yes, sir; so it is, sir.

85 Q. How old are you?—A. Well, I am near sixty, I can't exactly tell.

Q. You are a colored man?—A. Yes, sir.

Q. You have always lived in this country?—A. Yes, sir.

Q. Have you ever registered at the city hall since you lived in Saint Louis?—A. I have, sir.

Q. Where were you living when you registered there?—A. I was living at—this last registration?

COUNSEL. No, no, the first registration?

A. The first, I believe, I was up on Fourth; no, it was on Biddle, on Biddle and Fourth, that was it.

Q. That was a good many years ago?—A. Yes, sir.

Q. You went then to the city hall to register?—A. Yes, sir; afterwards.

86 Q. Now, did you go to the city hall after you removed to 1207 North Eighth, the place where you are now living?—A. Yes, sir; the time I registered—I got transferred over.

Q. What did you tell them when you went to the city hall?—A. I gave them my number, and told them where I had lived, and they looked and found my name, and then they gave me the register.

Q. Did they give you a ticket?—A. Yes, sir.

Q. Printed in red; was it?—A. Yes, sir.

Q. Some red print on it?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. I did, sir.

Q. Where were those polls?—A. They were on Seventh and Biddle.

Q. Did you find your name on the poll book when you went there?—A. Well, it must have been there, or else they would not have taken my ticket.

87 Q. When you went there you handed in your ticket?—A. I did, sir.

Q. They looked down and found your name there?—A. Yes, sir.

Q. Did they take your vote?—A. Yes, sir.

Q. What did they do with it?—A. I cannot tell you, sir, what they done with it; I handed them my registration just as I handed them my ticket that I want to vote, and they looked at them both, and said, "All right."

Q. Whether they put it in the box you don't know?—A. I don't know, sir; I stood there, and I waited a little while, and a little "rat" there told me to get back, said that they hadn't got no use for me; I staid there to see, but they said, "You are all right; you can go."

Q. They didn't put your ticket in the box while you staid there?—A. No, sir; they didn't put my ticket in the box while I was there.

Q. What ticket did you vote, Mr. Champion?—A. The Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. That ballot was cast just like any other ballot?—A. Yes, sir.
Q. And counted?—A. Yes, sir; I suppose so.

By Mr. POLLARD:

Q. Wait a moment, now. Do you know what he said just then? He asked you whether your ballot was counted; do you know whether or not it was counted?—A. No, sir; I don't know.

By Mr. DONOVAN:

Q. You have no doubt, since they said it was all right, that they put it in the ballot-box where it belonged?—A. No, sir; I have no doubt, sir.

Signature waived.

89 JAMES BUCKNER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Q. Question. What is your name?—Answer. James Buckner.

Q. Where do you live?—A. I live on Ninth street, between Wash and Carr 1008, in the rear.

Q. How long have you lived there?—A. I lived there for eight months.

Q. How long have you lived in the city of Saint Louis?—A. I have been here two years.

Q. How old are you?—A. Twenty-two years old.

Q. You are a colored man?—A. Yes, sir.

Q. Where were you born, Mr. Buckner?—A. I was born right here in this city.

Q. You have always lived in this State, have you?—A. Yes, sir.

90 Q. Did you ever register at the city hall?—A. No, sir.

Q. Never did register at the city hall?—A. No, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where?—A. On Seventh street, between Wash and Carr.

Q. Did you register at the polls?—A. No, sir.

Q. Why not?—A. They accepted to it.

Q. They objected to you, you mean?—A. Yes, sir.

Q. Did you go to the polls; the polling window?—A. Yes, sir.

Q. Did you tell them what you wanted to do?—A. Yes, sir.

Q. Did you go inside?—A. No, sir; I didn't go inside.

91 Q. Why not?—A. Because I didn't know anything about going inside.

Q. What did you tell them when you went to the window?—A. I told them I wanted to vote; they told me to stand back a few minutes and wait there.

Q. Did you tell them where you lived?—A. Yes, sir.

Q. Did you go back to the polls?—A. No, sir.

Q. So you didn't vote?—A. No, sir.

Q. What ticket would you have voted if you had been permitted to vote?—A. The Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Can you read?—A. No, sir.

Q. Did you have a ticket?—A. Yes, sir.

Q. Do you know who was on it?—A. No, sir.

92 Q. Was it given to you?—A. Yes, sir.

Q. By a gentleman with whose politics you were acquainted!—A. Yes, sir.

Q. Was the gentleman who gave you your ticket a Democrat or Republican?—A. A Republican.

Q. Did you know him?—A. No, sir; I never knew him.

Signature waived.

93 JAMES ROSS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. James Ross.

Q. Where do you live?—A. I live on the Saint Charles Rock road, between Lindell and Glendale avenue.

Q. How long have you lived there?—A. I have been there now going on nine months, right in that house.

Q. How long have you lived in the city of Saint Louis?—A. I have been here three years this coming March.

Q. How old are you?—A. I am thirty-nine.

Q. You are a colored man?—A. Yes, sir.

Q. You were born and raised in the United States?—A. Yes, sir.

94 Q. And you have always lived here?—A. Yes, sir.

Q. Did you register at the city hall before the last election?—A. Yes, sir; I registered.

Q. How long before the election did you go down to register?—A. It was between three and four days, somewhere along about that.

Q. Had you ever registered before?—A. No, sir; not here.

Q. You had never registered in this city?—A. No, sir.

Q. What did you do when you went to the city hall?

WITNESS. When I got registered there?

COUNSEL. No, no; but before you got registered.

A. I staid until the time come along when I could get in to get registered; so I staid there, and when I got through I went on home.

Q. How did they register you?—A. They took my name.

95 Q. Did they swear you?—A. Yes, sir.

Q. Did they make you hold up your hand?—A. Yes, sir.

Q. Did you sign your name on a book?—A. No, sir.

Q. Did anybody sign it to a book for you; did you touch a pen?—A. I touched the pen; yes, sir. They signed it on a book, and I touched a pen. I was then living in the same place where I am in now.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. On the Saint Charles Rock road.

Q. Whereabouts?—A. At the Three-Mile House.

Q. Who keeps that house?—A. I don't know, sir, who keeps that house. I don't exactly remember where I was registered at.

96 Q. What do you call this house where the polls were?—A. I don't know that; I could not say.

Q. Now, when you went to the polls there on election day did you find your name on the list?—A. No, sir; I never found my name at all.

Q. Did you go to the window?—A. Yes, sir.

Q. And offer your ballot?—A. Yes, sir.

Q. What did they say to you then?—A. They looked, you know, but they could not find it; they could not find it. Then I went back again and put it in.

Q. Then you did put in your vote at the second time?—A. Yes, sir.

Q. What ticket did you vote?—A. Republican ticket.

97 Q. What did they do with your ticket?—A. I don't know.

Q. Did they put it in the box ?—A. I don't know.

Q. How long did you stay there after you put in your vote ?—A. I just went on and turned right off. I don't know what they done with it.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. You had no reason to suppose that they treated that any different from any other ballot ?—A. No, sir; not as I could see. I aint able to say about the treating of the ballot. I don't know whether my registering went in or whether it didn't; I don't know about that; I didn't see it.

Q. Well, because you didn't see it go into the ballot-box is no 98 reason that it didn't go in, since you didn't wait to see ?—A. I didn't put it in. I saw it put into every other box before this time, but not this election.

Q. But you didn't wait to see it go in ?—A. No, sir; I was in a hurry.

Q. The place where you live in is out in the suburbs, isn't it ?—A. Yes, sir; close to Butchertown, they call it; right near the edge of it. There is no number, because I could see none there. I can just say this, it is on the Saint Charles Rock road, between Lindell and Glendale avenue and Saint Louis avenue. I live right back of the Saint Charles road, just about twenty or thirty steps right off the road.

Q. The residences there are very much scattered, are they not ?—A.

Yes, sir; they are scattered, and there is very few in a block.

99 Q. You went to the polling place twice ?—A. The first time I went they could not find my name.

Q. And the second time they did find your name, and you voted ?—A. Yes, sir; when I came back they took it in.

Q. Can you read ?—A. No, sir.

Q. Who gave you your ticket ?—A. I got it from up there at the city hall.

Q. You did not get your ticket at the city hall; you must have got it at the polls ?—A. I did get it at the polls; I mean I got my register up there, but I got my voting ticket down at the poll.

Q. Was the gentleman who handed you your ticket a Democrat or a Republican, or were you familiar with his politics ?—A. He was a Republican.

100 Q. Had you known him ?—A. I didn't know him, but I took it for granted that it was a Republican ticket.

Q. But inasmuch as you can't read, how do you know whether it was a Republican or a Democratic ticket ?—A. Oh, it was a Republican ticket; that is what I took it for.

Q. You took somebody's word for it, didn't you ?—A. Yes, sir.

Q. Whom you were not acquainted with ?—A. Yes, sir.

Q. You don't know whether he swindled you or not ?—A. No, sir; I don't know; I could not tell you.

Signature waived.

101 JOSEPH MONROE, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD :

Question. What is your name ?—Answer. Joseph Monroe.

Q. Where do you live ?—A. I live on the Saint Charles Rock road, sir, near that big mill. It is on the rock road as you go out on this here side; I reckon you know where it is.

H. MIS. 27—59

Q. Do you know what streets it is on?—A. It is right on the side of the road; there is a prairie on this side, and on the other side is the car road.

Q. That is, the horse-cars run out there?—A. Yes, sir; way out there for a mile or more.

102 Q. Is yours the first house west of this mill?—A. No, sir; east side of this mill.

Q. Now, on which side of the road is it?—A. It is on this side going out.

Q. That is, this side of the Saint Charles Rock road, isn't it?—A. Yes, sir.

Q. How long have you lived there?—A. I have lived there six months.

Q. How long have you lived in the city of Saint Louis?—A. Well, I have lived here three years; that is, in the coming March, exactly.

Q. How old are you?—A. I am fifty-nine years of age.

Q. Were you born in the United States?—A. No, sir; I guess I was born in the State of Virginia.

Q. But you have always lived in the United States?—A. Yes, sir; raised up in Mississippi.

Q. Did you ever register at the city hall?—A. Yes, sir; I did.

103 Q. Where were you living when you registered?—A. Right at

the same place where I am living at now.

Q. That was a little while before this last election, wasn't it?—A. Yes, sir.

Q. You never had registered before?—A. No, sir; no.

Q. Did you go to the polls on election day?—A. Yes, sir; I went to the polls at Mr. Post's; Mr. Joe Post's house and grocery.

Q. Is that on the Saint Charles Rock road?—A. Yes, sir; that is on the Saint Charles Rock road.

Q. Is it this side of where you live or the other side?—A. This side; I lives out beyond that.

Q. Which side of the Saint Charles Rock road, on the opposite side going out—on the same side of the road that you live on?—

104 A. No; I live on that side, not the left side going out.

Q. Then you lived on the right side?—A. Yes, sir.

Q. Now, when you went to the polls on election day, did they find your name there on the poll book?—A. If they did they didn't let me know about it.

Q. What did they say to you when you got to the polling window?—A. They said I could not register.

Q. Why not?—A. I don't know, sir; they just bothered me to death; and then, after I got some friends that was Republicans, they said my vote should go in, and I put it in there, and I had to get out of the way to keep from being tramped to death.

105 Q. What ticket did you vote?—A. I voted the straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Are you sure that you went to the right poll?—A. Yes, sir; yes, sir; I went to the polls that the other colored people went to.

Q. The polls, though, is away from your house and on a different side of the street?—A. Yes, sir; but it is in sight.

Q. It is on the opposite side of the street, on the opposite side of the road?—A. It is on the left-hand going out in the curve on the car-road.

Q. But it is not on the same side of the street that you live on?—A. I live on the right-hand side; this way.

106 Q. Well, you voted?—A. Of course, I tried to vote.

Q. And you did vote?—A. Yes, sir; I did vote.

Q. And your vote was put in the ballot-box?—A. Yes, sir; I put it through the hole there, but what they done with it, I don't know. I had to get out of the way as quick as I could.

Q. Did they put it in the box?—A. I don't know whether they did or not.

Q. Did you wait to see?—A. No, sir; I was glad to get out of the way. There was a big crowd there and I had to get out there to keep from being tramped to death.

Q. A crowd among the voters?—A. Yes, sir.

Q. You had never voted previously, Mr. Monroe?

WITNESS. In this city before?

COUNSEL. Yes.

107 A. No, sir; oh, no, oh, no, sir; I had heard that you could not vote until you were here such a time, and then I tried to be competent.

Q. When these gentlemen went up with you to the polling window, did they examine the polling list?—A. No, sir; not while I was there.

Q. Did they talk with the judges in regard to your case?—A. I don't know, sir.

Q. You went up with them?—A. Yes, sir.

Q. You heard what they said?—A. I don't know any more than just to go along.

Q. You heard what these men said when they went up to the window with you?—A. No, sir; I didn't.

Q. How long were they talking there?—A. I tell you there was such a crush there—

108 Q. My question is a very simple one; how long were these gentlemen talking to the judges when they went up to the window with you?—A. They was talking about a quarter of an hour, I reckon, or such a matter.

Q. After your case was fully discussed by the judges and the gentlemen that accompanied you to the window, then you voted?—A. They knowned one thing; they were not unlettered people like me.

Q. Were the gentlemen that went to the window with you ignorant men?—A. Oh, no, sir; I don't suppose they were ignorant.

Q. Well, they were not unlettered?—A. I know for myself; I don't know for anybody else; that is more than I dare say.

Q. I am speaking now about the gentlemen that accompanied you to the window and discussed your case with the judges; were they ignorant and unlettered men?—A. I don't know, sir; I know what it is myself.

Q. Did they talk with the judges about your vote for fifteen minutes?—A. What they was talking about I could not tell.

Q. But they went up for that purpose to talk about your vote and you went with them?—A. Well, they might say so. I aint certain of what they said. If I had been certain I would tell you.

Q. I am not asking you what they said. I am simply stating that their mission to that window was at your request and to discuss with the judges your right to vote at that poll?—A. Of course, I had 110 a right to vote at that poll.

Q. They went to the window to discuss with the judges your right to vote at that poll, and you had requested them to go there for that purpose; is that a fact, or not?

Mr. POLLARD. Let me put that in English for you. He wants to

know whether these men who went to that window with you went there to see if they could not get your vote in?

A. These men they told me which box to put my vote in. Well I put my vote in. Now, whether it was right or wrong, I don't know. That was my request to my Republican friends.

By Mr. DONOVAN:

Q. These men that went to the window to see whether you
111 could vote or not were white men?—A. Oh, yes; they were white
men. Is that what you was asking for?

Q. Yes.—A. I could have told you that before now. Oh, yes, they
were white men.

Q. They were intelligent men?—A. Well, they appeared to be intel-
ligent men.

Q. You can't read yourself?—A. Not a bit, sir; I don't know one
letter from another.

Q. Did you know the men that went to the window with you?—A.
Oh, no, sir; that I don't.

Q. Did you know whether they were Republicans or Democrats?—
A. They was called so, sir. Now I don't know whether they was Re-
publicans or Democrats.

Q. You did not read the ticket that you presented?—A. No, sir; I
can't read; my friends could.

112 Q. Who told you what names were on it?—A. I just done the
best I could for the Republicans that I wanted to vote for. I
done so as nigh as I could.

Q. Who did you want to vote for for President?—A. Well, I think
they said some man called Garfield, I believe.

Mr. POLLARD. That is right.

WITNESS. Mr. Garfield was the man I was registering for. I regis-
tered for him.

By Mr. DONOVAN:

Q. Did you vote for Mr. Frost for Congress?—A. I don't know any-
thing about Mr. Frost. I don't come here to tell you no lies, gentle-
men; I just come here to tell nothing but the truth.

Q. I believe that you would tell the absolute truth, but I just
113 want to get at the facts?—A. Just as far as I know I will tell
you.

Q. Do you know whether or not you voted for Mr. Frost?—A. I
don't know, sir; I know I voted for Mr. Garfield.

Q. Do you know whether that was what was called a Chronicle ticket,
or not?—A. This one I went by was not, so I went by that. I thought
I was safe in it.

Q. You don't know what was done with your vote?—A. No, sir; I
don't know what was done with it. I went away after that.

Signature waived.

114 JOHN CLAYTON, produced, sworn, and examined on the part
of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name?—Answer. John Clayton.

Q. Where do you live?—A. 1004 North Seventh.

Q. In the front or rear?—A. I live in the rear.

Q. How long have you lived there?—A. I have lived there for about
six years, sir.

Q. How old are you ?—A. Thirty-three years old.

Q. How long have you lived in the city of Saint Louis ?—A. I have been living here in Saint Louis—well, since 1868.

Q. Thirteen years, then ?—A. Yes, sir.

115 Q. Did you ever register at the city hall ?—A. Yes, sir.

Q. When ?—A. Last fall.

Q. While you were living at this same place ?—A. Yes, sir.

Q. Did you go to the polls on election day ?—A. Yes, sir.

Q. Did you find your name on the poll book when you went there ?—A. They said they could not find my name there.

Q. Did they take your vote ?—A. No, sir.

Q. They refused to let you vote because they could not find your name ?—A. Yes, sir.

Q. And you did not vote ?—A. No, sir.

Q. What ticket would you have voted if you had been permitted to vote ?—A. The Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

116 Q. Inasmuch as 1004 North Seventh seems to be very prolific of colored voters, I would like to ask you how many colored people reside there ?—A. I could not tell. There is two or three buildings that runs from the alley clean back, you know; they all belongs to that same number.

Q. You have been at the building at that number for the past six years ?—A. Yes, sir; off and on, whenever I came here.

Q. Now, when you are not on the river you are there, are you ?—A. When I am off on the river or laboring somewhere.

Q. You travel on the river ?—A. I do, sir.

Q. Are you a roustabout or a fireman ?—A. I am a roustabout, sir.

Q. How long previous to the election did you arrive in the 117 city ?—A. I was here before the election; I expect about a month before the election, and I staid until about four weeks after the election, sir. I was laboring on the levee; business was tolerable good.

Q. You are married ?—A. No, sir.

Q. Was this house a boarding house ?—A. Yes, sir; there is a saloon and grocery; there is Mr. Sullivan's grocery store there. I board at Mrs. Wilson's.

Q. If you have been there off and on for six years, can you not tell me the names of the people there, who live at that number ?—A. Yes, sir; a good many of them, sir.

Q. Give me the names of the men.—A. There is Charley Cox, 118 lives there for one, and Billy Williams, he lives there for another, and Parker McGrew, he lives there for another; Mr. Dawsey, he lives there for another. There is several names there I don't know now, and Dick Lincoln, he lives there. They all don't live in the same house, you know.

Q. I mean the people that live at 1004 North Seventh ?—A. The people lives at the same number, yes, sir; a good many of them lives there. Mr. Dawsey lives at 1004, and Billy Williams; that is all that lives at 1004. Me and Mr. Dawsey, and Mr. Williams, and Mrs. Wilson.

Q. There is four men living there ?—A. Me and Mr. Dawsey and Mr. Williams.

Q. They are the only ones that have lived there for some years past ?—A. I won't say from that number, sir, but in that house.

119 Q. When you registered are you sure that you gave your number as 1004 North Seventh street ?—A. Yes, sir.

Q. That is what you told the clerk ?—A. Yes, sir.

Q. Can you read?—A. I can read a little print, sir, but I can't read no writing, sir.

Q. Did you have a Chronicle ticket that day?—A. I don't know what you call a Chronicle ticket, sir; I had a ticket that was given to me for a Republican ticket.

Q. If you can read, why didn't you read it?—A. I had a Republican ticket, that is all I know about it. I don't know whether they said it was a Chronicle ticket or not.

Q. What was at the head of it?—A. I don't know, sir; it has been so long ago, I have forgotten it.

120 Q. Was Hancock's name at the head of it?—A. No, sir; I don't think it was; I know it was not; that was the man I was not going to vote for.

Q. Do you know whose name was on it for governor of the State of Missouri?—A. No, sir; I do not.

Q. Well, the ticket was given to you by somebody who said it was a Republican ticket?—A. Yes, sir.

Q. Well, do you know the politics of the man that handed you the ticket?—A. He was a colored man. I thought he was a Republican; it was a colored man that gave me the ticket.

Q. There are a good many colored men in this town that are first-class Dem. crats, are there not?—A. I don't know, sir.

121 Q. You know that there are some very prominent colored Democrats in this town, don't you?—A. I don't see how a colored man can be a Democrat.

Q. Did you know that the most intelligent class of colored people of this town are Democrats?—A. No, sir; I don't know that.

Q. Do you know Ferris, the colored lawyer, that died here a short time ago?—A. I seen him last summer, sir.

Q. Don't you know that he was an active Democratic worker?—A. Well, sir, he might have been, but I didn't know it.

Q. And don't you know that he was one of the most intelligent of his class?—A. He appeared to be, from what I heard about him.

Q. And had the respect of all men, white and black. Well, 122 there are others besides that, that are Democrats, are there not?—A. Oh, yes.

Q. So you just simply took a ticket from a colored man, not knowing what the man's politics were, and trusted that what he said was on the ticket was correct?—A. He said it was a Republican ticket; told me to take that; that is what he said.

Q. Whether it was a Republican ticket or not, you could not swear to it?—A. Oh, I took the ticket for a Republican ticket, and went up to the polls with it.

Q. For what office was Frost running on that ticket?—A. I don't know, sir; I don't know anything about Frost.

Q. His name was on there for Congress, wasn't it?—A. I don't know sir; I don't know anything about Frost.

123 Q. There was a man of that name running for Congress, and you voted for him?—A. I don't know as I did; I don't remember of voting for no Frost.

Q. You don't recollect that?—A. No, sir.

Q. It may have been for all you know?—A. I know I didn't vote for Frost.

Q. Could you read a name on your ticket?—A. I was voting for Garfield.

Q. Could you read a name on your ticket?—A. Yes, sir.

Q. What name could you read ?—A. I never had no name to read on no ticket; if I had a ticket I suppose that the ticket was all right; I can read it if it was in common print, but Frost never gave me no ticket.

Signature waived.

124 **MALACHY RYAN**, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD :

Question. What is your name ?—Answer. Malachy Ryan.

Q. Where do you live ?—A. 1501 Broadway.

Q. How long have you lived there ?—A. Eight months, or going on—seven months rather.

Q. How long have you lived in the city, Mr. Ryan ?—A. Going on three years, sir.

Q. Do you live with your parents, Mr. Ryan ?—A. They were in Ireland the last I heard of them, and that was in 1874.

Q. How old were you when you came to this country ?—A. I was fourteen years old or fifteen years old.

Q. Where have you lived since you have been in this country ?
125 —A. Part of the time in Rhode Island, then in Massachusetts, and from there I moved to the State of Missouri.

Q. What year were you born in, Mr. Ryan ?—A. In September, 1859.

Q. Did you register at the city hall ?—A. I did, sir.

Q. When ?—A. Three or four days before the election.

Q. You went to the city hall three or four days before the election to get registered ?—A. Yes, sir.

Q. Either three or four ?—A. Somewheres around there; I know I was registered before the election.

Q. You never had registered before ?—A. No, sir.

126 Q. You did not go to the city hall to get registered until three or four days before the election ?—A. I could not tell you whether it was three or four days, or how long before the election; I know it was not very long.

Q. About how long ?—A. I don't know how long it was before the election, but I know it was before the election.

Q. One or two or three weeks before the election ?—A. I don't know; all I know is it was before, and that I had a right to vote.

Q. And did you go to the polls on election day ?—A. Yes, sir.

Q. What polls did you go to to vote ?—A. The forty-fourth precinct.

Q. Where was that ?—A. It was between Mullanphy and Cass
127 avenue on Broadway, at Mr. Pohlman's, in the Fourth ward.

Q. Who did you work for on Broadway ?—A. Mr. Foley.

Q. What is Mr. Foley's business ?—A. A saloon keeper.

Q. What is your business ?—A. My business is clerk.

Q. For Mr. Foley ?—A. Yes, sir.

Q. In his saloon ?—A. Yes, sir.

Q. You say you have lived here three years ?—A. Going on.

Q. When did you come to this city ?—A. October, 1879, or October,
128 1878.

Q. Now, which was it ?—A. 1878.

Q. You came to this city in October, 1878 ?—A. Yes, sir.

Q. How old were you when you came to this city, Mr. Ryan ?—A.

I reckon I was going on my twentieth year; I know I was

twenty-one years old last September and I got my papers out and registered and voted.

Q. You say you were naturalized?—A. Yes, sir; I got my papers.

Q. Have you got them here?—A. Right here now; yes, sir.

Q. When did you take your naturalization papers?—A. I have got them here; I didn't look at them.

Q. When did you take them out?—A. I took them out before the election.

Q. How long before?—A. It was in October, I think the twenty-first of October.

Q. How long after you took out your naturalization papers before you went to the city hall to register?—A. The very same day.

129 Q. The same day that you got out your papers?—A. Yes, sir; I registered at the city hall.

Q. Who did you vote for for Congress?

WITNESS. Am I obliged to answer that question; can't I vote for anybody I please without telling it here?

Q. Do you refuse to answer?

WITNESS: Well, I want to know if I am obliged to answer.

Mr. DONOVAN. Counsel for contestee does not object to your answering the question if you see fit.—A. I voted for Frost and "don't you forget it." I voted for him for Congress; I think he is a man fit for the position. I never heard anything wrong about him. If I did anything wrong in voting for him I want to know it.

130 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. The paper that you hold in your hand is a certificate from a court of record here in this city and to this effect, that on the twenty-first day of October you were naturalized?—A. Yes, sir.

Mr. DONOVAN. It is admitted that he has got his papers, is it, or is it not?

Mr. POLLARD. You are examining him; proceed with him; that paper appears to be his naturalization paper.

By Mr. DONOVAN:

Q. You received this paper on the twenty-first day of October, 1880?—A. Yes, sir.

, Q. On the very same day that you received that paper you went to the city hall and were properly registered?—A. Yes, sir; from 131 the forty-fourth precinct.

Q. And at the city hall they placed your name on the list after you had properly qualified?—A. I suppose so, sir.

Q. You did qualify—you were sworn?—A. Yes, sir.

Q. And the clerk entered your name in the book?—A. Yes, sir.

Q. And gave you the number of your precinct?—A. Yes, sir.

Q. Now, this gentleman, Mr. Foley, that you clerk for is or was a member of the house of delegates in this city?—A. Yes, sir.

Q. Or what is called the house of lords?—A. The council; yes, sir.

Q. He was councilman and had been for years?—A. Yes, sir.

132 Q. He is an officer of high standing here?—A. Yes, sir; he is noted for that.

Q. And is himself, I believe, a temperance man?—A. Yes, sir.

By Mr. POLLARD:

Q. Keeps a saloon?—A. Yes, sir; I never seen him take a drink of liquor in my life.

Signature waived.

133 GEORGE WILLIAMS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. George Williams.

Q. Where do you live?—A. Eleventh, betwixt Cass avenue and O'Fallon.

Q. In the rear?—A. Yes, sir—no, in front; in front of the street I live.

Q. What is the number of your house?—A. I disremember; I could not tell you what the number of the house is.

Q. How long have you lived there?—A. About a year.

Q. How long have you lived in St. Louis?—A. About ten years.

Q. How old are you?—A. I am about forty-five.

134 Q. You are a colored man, born in this country, and have always lived here?—A. Yes, sir.

Q. Did you register at the city hall?—A. No, sir; I didn't.

Q. Did you go to the polls on election day?—A. No, sir; they said there was no use, because they said I could not get to vote.

Q. So you didn't go to the polls at all?—A. No, sir.

Q. You never registered at the city hall?—A. No, sir.

Q. Did you ever vote here?—A. Yes, sir.

Q. Where did you live when you voted?—A. I lived on Eleventh street, betwixt Brooklyn and Howard.

Q. That was four years ago, was it?—A. Yes, sir.

135 Q. Did you ever get a transfer from there to where you now live?—A. No, sir.

Q. And you didn't go to the polls on election day?—A. No, sir.

Q. Why not?—A. Because I didn't have time; my boss said he could not give me time to go; so I didn't go.

Cross-examination waived.

Signature waived.

136 J. R. DAVIS, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your full name, Mr. Davis?—Answer. J. R. Davis.

Q. Where do you live?—A. I live now between Carr and Biddle.

Q. On what street?—A. On Twelfth street.

Q. How long have you lived there?—A. I have lived there for a little over two months now.

Q. Where did you live on election day?—A. 1208 Carr street.

Q. How long had you lived there, Mr. Davis?—A. I had lived there about, well, I think about two months prior to the election; for a month anyhow.

137 Q. How long have you lived in the city, Mr. Davis?—A. I have lived in the city since 1865.

Q. How long had you lived in that ward before the election?—A. I have lived there, I think, about a little over three months; I think it is in that ward, because I moved from Fifteenth and Wash; I think it is in the same ward; I lived there about six weeks, then I moved down to this other place, and then I had been there two months. I was registered, and not changed; I was registered from 911 Tenth street, between Franklin avenue and Wash.

Q. You went to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. They were right on the corner of Twelfth and Carr.

138 Q. Did you register at the polls on election day?—A. They said my name was not there; and then I said would they swear me, and they said they could not.

Q. Did you vote then?—A. They said they would not take my vote; so then I went back; then, this here man, he put a number on it, and he put it in an envelope; somebody inside took it.

Q. What ticket did you vote?—A. I voted the Republican straight ticket; I didn't scratch none.

Q. How old are you?—A. I am going on thirty-seven; will be thirty-seven in April.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Did you register from 911 Wash or 911 Tenth street?

139 Q. Mr. POLLARD. I have forgotten one question; where were you born?—A. I was born right close to Baltimore, Maryland; that is where my parents lived, so far as I know.

By Mr. DONOVAN:

Q. When you did register, you were registered from 911 North Tenth?—A. Yes, sir; the Second ward.

Q. Now, what ward did you move into after leaving that place?—A. I lived at Fifteenth and Wash before I moved down; but, then, the day of election I was living at 1208 Carr street.

Q. What ward was that in?—A. Now, I don't know; I think it is the Twelfth ward, if I am not mistaken.

Q. 911 North Tenth and 1208 Carr are in the same polling 140 precinct, they are in the same ward?—A. No, sir; they are not.

Q. You didn't take the trouble to go to the city hall and notify them of the transfer?—A. Well, I went to the city hall; I was up there.

Q. But you didn't obtain a transfer?—A. No, sir.

Q. You went there late in the evening to obtain it?

WITNESS. Where, at the polls?

Q. No; at the city hall to obtain a transfer?—A. No, sir; I went there some six or eight days before the election; there was a card on the door; a bill, that it was closed.

Q. However, you never got this transfer at the city hall?—A. No, sir.

Q. Although you had removed from your previous place of registration?—A. Yes, sir.

141 Q. Have you always been a Republican?—A. Yes, sir; all my life; I have always voted the straight Republican ticket; probably, once in a while I had a man that I knewed on the Democratic ticket, and then I gave him my vote.

Q. There were Republican judges at this poll that you visited?—A. I don't know what they were.

Q. They permitted you to transfer at the polls?—A. That is what they said; the man at the window did.

Q. They took your ticket?—A. I went around to the window where the judges were, but they would not take it, and I took the ticket back to him on the outside of the window, and he took it and put it in an envelope.

Q. Who did you vote for for Congress?—A. I voted for the 142 full straight Republican ticket.

Q. No scratches?—A. No, sir.

Signature waived.

143 LOUIS SHIFFNER, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD:

Question. What is your name?—Answer. Louis Shiffner.

Q. Where do you live?—A. 521 Biddle street.

Q. You live at 521 Biddle street?—A. Yes, sir.

Q. How long have you lived there, Mr. Shiffner?—A. Commencing in October.

Q. Last October?—A. First part of October.

Q. How long have you lived in the city?—A. I have lived in the city steady now since 1868—thirteen years.

Q. How long have you lived in this country?—A. Twenty-seven years.

Q. How old are you?—A. I am 42.

144 Q. Did you ever register at the city hall?—A. Yes, sir.

Q. Where did you live at the time?—A. I lived on the corner of Eleventh and Biddle streets.

Q. Did you ever get a transfer from that place?—A. 521 Biddle? No, sir.

Q. Did you go to the city hall to get a transfer?—A. I couldn't; I didn't have time enough to go there and stay there. The hall was crowded, and I couldn't wait long enough for my turn to get transferred.

Q. It would have taken you several hours if you had waited?—A. Yes, sir. I supposed all I had to do was to go to the polls, but my name was not there.

145 Q. Did you offer to vote?—A. Yes, sir. My precinct was No. 37 or 42. I think I offered to vote in 42.

Q. Your name was not there?—A. My name was not there.

Q. What ticket would you have voted if you had been permitted to vote at all?—A. Republican ticket.

Q. Now, is Eleventh and Biddle, where you had lived before, in the same precinct with the other?—A. No, sir. I have been moving a great many times, and have been transferred three or four times already; only the last time I was not transferred.

Q. Where did you live before you moved to 521 Biddle?—
146 A. I lived at 1328 Broadway. That is not in the same precinct; it is precinct 37, if I ain't mistaken.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Of course, you understand, Mr. Shiffner, that when parties move from one place to another that they must obtain a transfer at the city hall?—A. I did.

Q. And when you went there there was a great crowd of people, all trying to obtain transfers?—A. Yes, sir.

147 Q. Some of them waited and some of them did not. Some of them couldn't afford the time and came away?—A. Certainly.

Signature waived.

148 OTTO MARTENS, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD:

Question. What is your name?—Answer. Otto Martens.

Q. Where do you live?—A. 1401 North Twelfth.

Q. How long have you lived there?—A. For the last 14 years.

Q. How long have you lived in Saint Louis?—A. That is just the time I came here.

Q. How old are you?—A. Thirty-two.

Q. You have lived here ever since?—A. Yes, sir.

Q. Have you ever registered at the city hall?—A. I was registered. That was the first time I was registered.

149 Q. Did you go to the city hall to register?—A. Yes, sir.

Q. When did you go to the city hall to register?—A. That was, I guess, two nights before election; it was in the evening when I went there.

Q. What did you do when you went to the city hall?—A. I just went there, and he asked me what was my name, how long I have been in the city, and if I am a citizen, and so on; that is all they asked me.

Q. Now, how long was that before the election; about how long, if you can tell?—A. Well, I couldn't tell that particular, but I guess it was a night or two before they took the last registration.

150 Q. Before they closed the registration?—A. Before they closed the registration.

Q. Did they swear you there?—A. Yes, sir.

Q. Did you subscribe your name to a book?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir; I went in the morning, and they made a mistake in the registering office; I said 1401 and they put it down 1417. I told them I had lived there for the last 14 years, and the judges that was there knew me well; they said "That was all right;" so they put my ticket on the string. After that

they sent me a notice that I shall come over to the polls; that I 151 shall be registered, or else they don't count my vote. So I just come about 15 minutes before seven there; I went there 15 or 10 minutes before seven, and when I come there they swore me in again, and they took my ticket, a Republican ticket, and gave it to the man that was by the window, and then I went off.

Q. Do you know what they did with your ticket?—A. I don't know; I couldn't tell you for sure.

Q. You voted the straight Republican ticket, you say?—A. Yes, sir.

Q. What poll was that; where was that?—A. Between Eleventh and Twelfth, on O'Fallon street, in that barber-shop there.

152 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Then you voted twice on that day?—A. Yes, sir; but they didn't count the first time.

Q. They counted the second time?—A. I don't know.

Q. Did you put in two ballots in that same poll?—A. No, sir; I tore up the first ticket; they gave me back my first ticket, so I tore it up, and took a new ticket that was lying in front of the window there.

Q. And passed that into the judges?—A. Yes, sir.

Q. And they said that you should cast it there?—A. Yes, sir.

153 Q. And these were friends of yours?—A. They all was friends —no, they aint friends, I am just acquainted with them.

Q. And they took a great deal of interest in you if they sent for you?—A. That is what I couldn't tell; I don't know.

Q. They took the trouble to send for you?—A. They sent over to me right away at dinner time; I wasn't at home at all.

Q. But they said if you would come over there and vote the Republican ticket it would be counted?—A. They didn't say anything about a Republican ticket. They never said anything about what kind of a ticket I had.

154 Q. Well, they knew you were a Republican?—A. I don't know if they knew that.

Q. You were friends?—A. We were not particular friends at all, but they just know me; every one knows me that I live there.

Q. There is nothing more in your case than this; that your number was wrong in the poll book in the first instance, and they couldn't take it; then it occurred to them that probably you might re-register and vote, and you did re-register and vote; your ballot went to the judges as other ballots did; and these are the facts of your case?—A. I don't know.

Q. It probably went into the ballot-box and was counted?—A. I don't know if they counted it; I couldn't tell.

155 Q. You didn't wait to see?—A. They pushed me back, so I just gave them my ticket.

Q. There was a great crowd of voters that were all anxious to vote before they closed the polls?—A. Yes, sir.

Signature waived.

At this point a recess was taken until this afternoon at the hour of two o'clock; at which time all parties in interest being duly assembled and announcing themselves ready to proceed, the examination of witnesses was resumed, and the following testimony was, thereupon, elicited:

156 A. B. HEMMERLA, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. METCALFE:

Question. What is your name?—Answer. A. B. Hemmerla.

Q. Where do you live?—A. I live out on King's Highway now.

Q. Where did you live at the time of the last election?—A. I lived last election between Prairie and Spring on California street.

Q. How long had you lived there, sir?

WITNESS. Before the election?

COUNSEL. Yes.

A. About a year.

157 Q. Where did you live previous to that?—A. I lived on the Saint Charles Rock road, right opposite the Tuscan Mills, between Glendale and Saint Louis avenue, on Saint Charles Rock road.

Q. That is where you lived previously?—A. I was born and raised right there.

Q. That is, the last place you have spoken of?—A. Yes, sir.

Q. Do you know whether that place is in the same voting precinct as the place where you lived at the time of the election?—A. Yes, sir; it is in the same precinct.

Q. State whether you ever registered at the city hall previous to the last election.—A. No, sir; I registered at the polls.

158 Q. How long ago?—A. Two years ago.

Q. Where were you then living?—A. Right opposite the Tuscan Mills, in Elleardsville, right on the Saint Charles Rock road. I have always lived there for thirty years. I was living with my parents there.

Q. Then a week before the election you moved to California, between Prairie avenue and—what street?—A. On California street, between Prairie and Spring streets.

Q. After you moved there you never went to the city hall to change your registration?—A. I did, but I couldn't get near it.

- Q. Because there was such a crowd waiting?—A. I went there four hours; that was five days before they closed.
- 159 Q. And you state that these two places are in the same voting precinct?—A. Yes, sir; in the same polls.
- Q. How old are you?—A. 30 years old.
- Q. Were you born in this country?—A. Yes, sir.
- Q. How long have you lived in the State?—A. Lived here for 30 years.
- Q. You were born here, then?—A. Yes, sir.
- Q. Did you go to the polls on last election day to vote?—A. Yes, sir; went right there to vote.
- Q. Did you vote?—A. I voted.
- Q. Was your name found upon the polling lists there?—A. No, sir; it was scratched off.
- 160 Q. Your name had been scratched off from the list?—A. Yes, sir.
- Q. What was done with your vote, Mr. Hemmerla?—A. It was put on a file.
- Q. State whether or not it was counted?—A. It was not counted, I know.
- Q. They took your vote under protest?—A. Yes, sir.
- Q. And it was not counted?—A. No, sir.
- Q. What ticket did you offer to vote?—A. The whole Republican ticket; no scratched ticket at all.

Cross-examination by Mr. DONOVAN, counsel for contestee:

- Q. Where were you living when you registered?—A. I lived right opposite the Tuscan Mills.
- 161 Q. But less than ten days prior to the election you moved to California avenue, between Prairie and Spring; and you did not notify the authorities at the city hall that you had moved to California avenue, between Prairie and Spring?—A. Well, no; because I couldn't get near it to notify them. I was down there twice to notify them.
- Q. And for that reason you didn't obtain the transfer that you went there to get?—A. No, sir.
- Q. Of course they told you at the poll, that having only lived but about seven days at that place, you could not vote there, from that house?—A. No; they never told me anything at the polls at all.
- 162 Q. Well, you told them that you lived opposite the Tuscan Mills, on the Saint Charles Rock road, and had removed to California avenue?—A. Yes, sir; I did.
- Q. And they said that they, of course, could not give you a transfer on election day?—A. No; they didn't give me no transfer, but they allowed me to vote anyway.
- Q. You voted anyhow?—A. Yes, sir; I voted.
- Q. And was your ballot put in the box?—A. No, sir.
- Q. They had your name on the list there as opposite the Tuscan Mill?—A. Yes, sir.
- Q. But you didn't live there?—A. No, sir; not at that time. Not for about a week.
- 163 Q. Well, you had not lived on California avenue, between Prairie and Spring, ten days prior to the election?—A. No; it was not that long.
- Q. Well, you got no transfer at the city hall, or anywhere else?—A. No, sir; I never got no transfer, but I voted anyway.

Q. And you put in your ballot; they took it for what it was worth?—
A. Yes, sir.

Mr. METCALFE:

Q. Did you write your name on the back of your ticket?—A. Yes, sir; I wrote my name on it.

Q. You stated, I believe, that when you got to the polls you found your name had been striken off the list?—A. Yes, sir.

164 Q. And it was not found upon the regular list of voters for that precinct?—A. No, sir.

Signature waived.

165 CHARLES T. WINTHER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. Charles T. Winther.

Q. Where do you live?—A. I live on Seventeenth and Wright 2907 North Seventeenth.

Q. How long have you lived there, Mr. Winther?—A. I have lived there a little over a year now.

Q. How long have you lived in the city, Mr. Winther?—A. I am living in the city ever since 1850.

Q. How old are you?—A. I am 50 years and 1 month.

Q. Did you ever register at the city hall, Mr. Winther?—A. Yes, sir; I was registered there two or three times.

166 Q. Where were you living when you last registered at the city hall?—A. I was on Sixteenth street, between Spring and Wright.

Q. How far is that from where you now live?—A. One block north and one block east; hold on, you must excuse me; from Sixteenth street, that was the first time, on Sixteenth street; there I was registered at the poll; the poll was right across from Willi; there at that store; there I voted once, and the next time when I voted it was taken there; from there I moved then right to Dodier street, that is another block further, between Sixteenth and Seventeenth; then 167 the poll was at Mohrman's there; I was down at the city hall, but I couldn't get in. You see the time was too short; I was down and was going to be transferred, but I couldn't. From there I moved up on Seventeenth street, right between the two squares.

Q. 2917?—A. Yes, sir; that's it. I have been three times at the city hall—once at night, once in the morning, and once at dinner-time, it was pretty near two o'clock. I was just going away when I met a gentleman there that I knew; I asked him to try and get me through; he told me, then, if I go to the polls in my precinct where I voted, that there I could be transferred. Well, I went there and 168 couldn't.

Q. You went to the poll on election day?—A. I went to the poll on election day, and I took my papers and I saw my landlord—both landlords I had with me—and still I couldn't vote.

Q. Where was that poll?—A. That was on Wright and Seventeenth streets.

Q. You didn't vote at all on that day?—A. No, sir; I had the first landlord on Dodier street; he had to get his vote in under protest, that is the man what I was living with first; so they couldn't help me.

Q. Did you get your vote in at all?—A. Yes, sir; I got my vote in under protest.

Q. You put your name on the back of your ticket, did you?—
169 A. Yes, sir; I did.

Q. And the supervisor took it?—A. That is all.

Q. What ticket did you vote, Mr. Winther?—A. I voted the straight Republican ticket.

Q. Now, are these three places that you have mentioned in the same voting precinct, in the same precinct?—A. Yes, sir; that is what I think they are. The first one was on Sixteenth and Spring, the other one was on Sixteenth and Dodier, and the other one was on Seventeenth and Wright.

Q. Only two or three blocks apart?—A. That is all; and I am living there for over five years.

170 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. What are the lines of your voting precinct?—A. Well, that I can't tell exactly what it is, it's from Meyer's, from Seventeenth and Wright, at Meyer's Hall, at what street is that? Montgomery; I can't tell you.

Q. What is the number of that precinct that you voted in?—A. The number of the precinct I can't tell you either.

Q. What is the number of the precinct that you voted in before, and where you registered from?—A. What the number of the precinct is that I can't tell; I know it is the Fourteenth ward, and the first 171 precinct was on Sixteenth and Wright streets, I think, and the next place was on Sixteenth and Dodier streets, and the other place was on Seventeenth and Wright streets. Now what precincts they are in, or what number they are, that I can't tell you.

Q. Well, you moved from one precinct into another?—A. That I don't know.

Q. You had registered then from where?—A. I was registered when I was on Sixteenth, between Spring and Wright streets.

Q. Then you moved down to 2907 North Seventeenth?—A. No, sir; then I moved on Dodier street, between Sixteenth and Seventeenth; that is one block further.

Q. And then where did you move?—A. Then I moved a 172 block up again; that is, in the same square.

Q. Well, you did not notify the authorities at the city hall of the fact of these removals because of the great crowd that was there?—A. I was there three times, but I say I couldn't get any chance.

Q. Did you see many Democrats and Republicans there on the same business anxious to give notice of removals?—A. Yes, sir.

Q. But you did not have time to wait in order to get a transfer?—A. No. In the first place, I was there once at night, and then early in the morning the next time, and the other time I was there at dinner, because my business won't allow me; I am an engineer; I can't stay away from my business.

173 Q. And you didn't get a transfer for that reason?—A. No, sir; I could not, sir.

Signature waived.

174 GEORGE CORNICK, produced, sworn, and examined on the part of the contestant, deposeth and saith:

By Mr. POLLARD:

Question. What is your name?—Answer. George Cornick.

Q. Where do you live?—A. 1405 North Twelfth.

- Q. How long have you lived there ?—A. Six years.
 Q. Did you vote on last election day, Mr. Cornick ?—A. No, sir.
 Q. Did you go to the polls or election day ?—A. No, sir.
 Q. You didn't go there at all ?—A. No, sir.
 Q. Was there any other man living in that number of that name ?—
 A. No, sir; not that I know of.

175 Q. Was there any other man of that name living in that immediate neighborhood ?—A. If there is I don't know anything about it; I don't know that there is anybody except me of that name in the directory.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. Why didn't you go to the polls ?—A. Because I didn't have time; I didn't care about it.

Q. You took no interest in this matter ?—A. No, sir; I did not.

Q. Do you know all of your neighbors ?—A. I know a good many of them; yes, sir.

Q. Is this a boarding-house or a private residence ?—A. Private residence.

Q. Do you live front or rear ?—A. I live on the front.

176 Q. Who lives on the rear ?—A. There is a family named Hoke; an old couple; some Germans.

Q. This is a tenement block ?—A. A tenement; yes, sir; there are several houses there.

Signature waived.

177 STANLEY WATERLOO, produced, sworn, and examined on the part of the contestant, deposeth and saith :

By Mr. POLLARD :

Question. What is your name ?—Answer. Stanley Waterloo.

Q. What business are you in, Mr. Waterloo ?—A. I am connected with the Evening Chronicle.

Q. The Saint Louis Evening Chronicle ?—A. Yes, sir.

Q. In what capacity ?—A. I am the editor of the paper.

Q. There have been, Mr. Waterloo, several witnesses here who have been questioned concerning the Chronicle selected ticket. Mr. Waterloo, did the Chronicle issue a ticket preceding the last election in this city ?—A. Yes, sir.

Q. I wish you would state whether what you have in your hand 178 is one of the tickets that was issued by the Chronicle ?—A. This is one of them.

Q. This, however, is a ticket for the second Congressional district, is it not ?—A. Yes, sir.

Q. How does that differ from this for the third Congressional district ?—A. It differs in the names of the different candidates, and in the fact that in the third district there was but one Congressional ticket, and Mr. Frost's name did not appear on any of the tickets.

Q. Mr. Sessinghaus, the contestant, was alone on your ticket for the, third Congressional district for Congress ?—A. Yes, sir.

179 Q. In other regards that ticket and this were exactly alike ?—
A. Yes, sir; and the legislative tickets were changed a little.

Q. Now, was the heading of the ticket, issued by your paper for that third Congressional district, precisely like the heading of this ticket ?—
A. Yes, sir.

Q. I wish you would read the heading of that ticket.—A. "Chronicle's selected ticket."

Q. Mr. Waterloo, was or was not that ticket issued and printed and circulated by your paper with any intent or design on your part, or on the part of your paper, to mislead or deceive any voter?—A. Certainly not.

Q. Mr. Waterloo, look at the heading of that ticket carefully, 180 and tell us whether, in your judgment, that ticket would have a tendency to mislead, or deceive, or lead in error any voter?

(Mr. Donovan, counsel for contestee, objects to the question, for the reason that the gentleman is called upon for a conclusion.)

Mr. METCALFE. We are asking for his judgment; that is what we want.

Question read by the notary.

A. I think not.

Q. There is nothing on that ticket, is there, to indicate what the politics or the belief or the doctrine of any individual was whose name appears thereon?—A. No.

Cross-examination by Mr. DONOVAN, counsel for contestee:

181a Q. Now, please read the ticket as it is there—the whole ticket.—
A. (Reading:)

Chronicle selected ticket.

FOR PRESIDENTIAL ELECTORS AT LARGE.

John P. Tracey.
William H. H. Brown.

DISTRICT ELECTORS.

First district, Frederick Hill.
Second district, Henry Hiemenz.
Third district, Frederick Sieker.
Fourth district, Hugh C. Davidson.
Fifth district, Washington I. Wallace.
Sixth district, Oliver C. Picher.
Seventh district, Charles A. Thompson.
Eighth district, William J. Terrell.
Ninth district, Archibald E. Wyatt.
Tenth district, Alexander W. Mullins.
Eleventh district, John F. Baker.
Twelfth district, Benjamin M. Prentiss.
Thirteenth district, Ira Hall.

FOR GOVERNOR.

David P. Dyer.

FOR LIEUTENANT-GOVERNOR.

Milo Blair.

FOR SECRETARY OF STATE.

James C. Broadwell.

FOR STATE TREASURER.

William Q. Dallmeyer.

FOR STATE AUDITOR.

Larkin A. Thompson.

FOR ATTORNEY-GENERAL.

Horace H. Harding.

FOR REGISTER OF LANDS.

George B. Herenden.

FOR JUDGE OF SUPREME COURT.

Joseph V. C. Karnes.

FOR RAILROAD COMMISSIONER.

Howard Barnes.

FOR MEMBER OF CONGRESS.

2d Congressional district, Meyer A. Rosenblatt.

FOR MEMBERS OF LEGISLATURE.

First Representative District.

John D. S. Dryden.

James C. McGinniss.

Frederick W. Mott.

Albert B. Cunningham.

FOR JUDGE OF SAINT LOUIS COURT OF APPEALS.

Seymour D. Thompson.

181d

FOR JUDGE OF CIRCUIT COURT.

John D. Johnson.

FOR SHERIFF.

Isaac M. Mason.

FOR CIRCUIT ATTORNEY.

Joseph R. Harris.

FOR ASSISTANT CIRCUIT ATTORNEY.

Edward A. Noonan.

FOR CORONER.

Andrew B. Barbee.

FOR PUBLIC ADMINISTRATOR.

Matrom D. Lewis.

FOR JUDGE OF PROBATE COURT.

J. Gabriel Woerner.

FOR CONSTABLE.

182 Q. You have stated the names of what is called the Chronicle's select ticket?—A. Yes, sir.

Q. For Presidential electors at large, John P. Tracy, William H. H. Brown; and what were their politics?—A. I forget who they were for.

Q. Do you know whether they were Democrats or Republicans?—A. They were Republicans.

Q. All of the Presidential electors on that ticket are Republicans to the best of your knowledge and belief?—A. Yes, sir.

Q. Do you know whether any of them are Democrats? I will show you the ticket so you can take a look at it, and see whether some of them were not Democrats.

183 Mr. POLLARD. The Presidential electors is what he is speaking of now.

A. (After inspection of ticket.) No; not that I know of.

By Mr. DONOVAN:

Q. Do you know the politics of David P. Dyer?—A. Yes, sir.

Q. He was running for governor of the State?—A. Yes, sir.

Q. He was a Republican?—A. Yes, sir.

Q. Milo Blair, for lieutenant-governor, was a Republican, was he not?—A. Yes, sir.

Q. What was the politics of William Q. Dallmeyer, who was running for State treasurer?—A. Republican.

Q. Larkin A. Thompson, running for State auditor?—A. He was Republican, or supposed to be.

184 Q. Horace H. Harding for attorney-general?—A. Republican.

Q. Meyer A. Rosenblatt?—A. Republican.

Q. In what district?—A. In the second.

Q. He was running for member of Congress in the second Congressional district, in the State of Missouri?—A. Yes, sir.

Q. What was the politics of John D. S. Dryden?—A. He was a Republican, I believe.

Mr. POLLARD. No!

By Mr. DONOVAN:

Q. Are you not mistaken, when he was running for member of the legislature of the First ward—I refer to Judge John D. S. Dryden, who was supreme judge of the State of Missouri?—A. He was Democratic.

185 Q. Albert B. Cunningham, who was also running with Judge Dryden?—A. He is a Democrat.

Q. Frederick W. Mott, who was also on the same ticket?—A. Mott, I believe, is a Republican.

Q. James C. McGinnis?—A. He is a Republican.

Q. For assistant circuit attorney, it appears here that Edward A. Noonan was running; what was his politics?—A. He is a Democrat.

Q. What are the politics of John D. Johnson, who was running for judge of the circuit court?—A. Republican.

Q. What are the politics of Martrom D. Lewis, who is on this ticket, for public administrator?—A. Democrat.

Q. What was the politics of Isaac M. Mason, who was on this 186 ticket for sheriff?—A. Republican.

Q. And what is the politics of J. Gabriel Woerner, for judge of probate court?—A. Democrat.

Q. Now, as I have previously warned you, I ask you why the Chronicle issued this ticket?—A. Because it deemed those the best men to fill the offices outside of the electors—the Presidential electors.

Q. Well, it was an advertising object, was it not?—A. It would result perhaps in the benefits of one.

Q. That was the fact, that that ticket was made up for the purpose of advertising The Evening Chronicle, which was a new paper, established in the city of Saint Louis?—A. No.

Q. Who paid for this ticket?—A. The Chronicle Company.

187 Q. Well, they had some purpose in issuing it; what was that purpose?—A. Simply the election of the men whom we had supported in the paper.

Q. Is there any member of either the Democratic or the Republican party, of either Congressional committee, in your office?—A. No.

Q. How many of these tickets were printed?—A. Eighty thousand.

Q. They cost a considerable sum of money; who paid for it?—A. The Chronicle.

Q. How much did it cost?—A. I have forgotten what the cost was.

Q. About how much would eighty thousand tickets of this character cost to print?—A. To approximate the number, a couple of hundred dollars; it may have cost more than that, and it may have cost less.

188 Q. Well, what interest did the Chronicle have, now, in issuing a ticket of this kind?—A. Simply the election of as many men on the Independent ticket, that the Chronicle had supported, as it, the Chronicle, supposed would result to the benefit of that paper.

Q. The Evening Chronicle, then, was influenced to print for nothing eighty thousand of these tickets just simply to have their various candidates elected to the offices for which the Chronicle had supported them?—A. To make the candidates win.

Q. Were they assisted in this matter?—A. No.

Q. How long prior to the issuance of the ticket was the paper established?—A. Something over three months; about four, I believe.

189 Q. Well, now, as a matter of fact, Mr. Waterloo, it was an advertising dodge, was it not?—A. That was not the object; it doubtlessly ended in a very good advertisement, but that was not the object for which it was done.

Q. It called attention to the Chronicle?—A. Yes, sir.

Q. Do you not, as a matter of fact, Mr. Waterloo, believe that mixing up the names of candidates on the tickets, there being some Democrats and some Republicans, was calculated to confuse voters?—A. I think not.

Q. Would not a voter taking a ticket and seeing the name of David P. Dyer on it for governor, and knowing him to be a Republican, suppose that the ticket was a Republican ticket?—A. He would, 190 unless he examined the head of the ticket.

Q. He would find at the head of the ticket the Republican electors?—A. Yes; and the announcement that it was a selected ticket.

Q. Well, Democrats and Republicans are mixed up on this ticket?—A. Yes, sir.

Q. While the ticket is headed with the names of the Republican electors?—A. Yes, sir; they come next under the heading that I have just given.

Q. And the Republican governor at the head of the ticket?—A. It is on the ticket, yes.

Q. Instead of putting M. A. Rosenblatt for member of Congress why did you not put Thomas Allen on?—A. Because he didn't belong on that ticket.

Q. But, inasmuch as you were making up a select ticket, why 191 didn't you put Thomas Allen's name on it as member of Congress from the second district?—A. He appears on another ticket, from the second district. There are two tickets, a ticket issued for each district, and he appeared upon the other ticket.

Q. How much did M. A. Roseublatt give the Chronicle for putting his name on this Chronicle select ticket?—A. Nothing.

Q. How much did Thomas Allen give?—A. Nothing.

Q. Inasmuch as you were making up a Chronicle select ticket, why did you make up such tickets embracing the names of both parties?—

A. Because in the Congressional fight, in the second district, we 192 took the side of neither party, but announced in the paper that we would issue tickets with those names in equal numbers.

Q. So you put the names of the opposing candidates on your Chronicle select ticket?—A. Of the opposing Congressional candidates.

Q. Then there was not very much selection about it if you put the names of both parties on these tickets?—A. The selection was confined to the city ticket.

Q. How many Chronicle selected tickets were printed with the name of W. H. Horner on it?—A. My recollection is that there were none.

Q. Don't you know that you issued a large number of tickets with the name of W. H. Horner on—the Chronicle select ticket?

WITNESS. For circuit judge?

COUNSEL. Yes.

193 A. I think not; I may be mistaken, but I think we supported Johnson.

Q. In some portions of the city was there not a Chronicle select ticket with the name of Morgan Boland on for sheriff?—A. Not that I know of.

Q. He was the Democratic candidate for sheriff, and Mason was the Republican candidate for sheriff?—A. Yes, sir.

Q. How many of the candidates on this selected ticket consulted you in regard to the issuance of it?—A. None.

Q. How many consulted the parties at your office?—A. Nobody that I know of.

Q. Well a good many candidates came there that were very anxious to get on a ticket of this character?—A. Yes.

194 Q. What did they say?—A. They said various things; I don't recollect exactly what.

Q. Please tell us what they said about it?—A. The general tenor, I don't recollect, or what any particular candidate said, except they would like to get their name on this ticket.

Q. These candidates that came to see you regarded the ticket as a sort of catch, and regarded that they could catch some votes by it?—A. They seemed to think that they could get some votes by it.

Q. Now, Mr. Waterloo, how was this ticket generally regarded on election day; it raised quite a stir did it not?—A. It was regarded as the best ticket in the field, I imagine.

195 Q. But how was it regarded by you and all parties on election day; was it not regarded as calculated to catch the unwary voter?—A. I think not.

Q. There was a great deal of opposition to it?—A. Yes, sir; among those—

Q. And that opposition was based upon what?—A. From men that were not on the ticket.

Q. Well, there was a great deal of complaint throughout the entire city, and in all the districts, that this ticket was one of that was calculated to deceive the honest voter?—A. I think not.

Q. Did you not know that in the first and second districts, where Rosenblatt was running, and where Fletcher was running, whose 196 names were on the ticket, much complaint was made?—A. None ever reached me.

Q. Did they not, in the first and second districts, pronounce this ticket as a fraud upon voters?—A. They may, at some of the voting precincts.

Q. Did not judges, in the first and second districts, Republicans as well as Democrats, pronounce this ticket as one calculated to deceive voters?—A. No; not that I know of.

Q. Did not many of the judges in Allen's district, and in Clardy's district, cause the ticket to be removed from the polls?—A. The tickets were removed from a number of the polls.

Q. Well, what was said when they were removed?—A. I don't know that.

197 Q. Did not reports come to you about what occasioned their removal from the polls in Clardy's district and in Allen's district?—A. No; no action of the judges that I recollect of.

Q. You did not receive such reports?—A. No; I heard that they were removed away from some of the polls, these tickets.

Q. You know that in those lower districts they were taken away from the polls on election day?—A. Yes, sir.

Q. Do you know why they were taken away?—A. I suppose it was through the agency of those who were opposed to them.

Q. And this action, Mr. Waterloo, was taken by Republican 198 judges, as well as Democratic judges?—A. No instance of that kind came to me. I don't know the politics of any of them.

Q. We have had gentlemen on the stand here, Republican judges, who have testified that they could not count a ticket of that character; drawn so ingeniously as to deceive the honest voter; did you hear of that?—A. No.

Q. You are a Democrat yourself in politics, are you not?—A. I am an Independent.

Q. Your politics are Chronicle?—A. Chronicle politics; yes.

Q. The Evening Chronicle being a new paper established here, desired to advertise itself, and for that reason got out a ticket that 199 the honest voters of the city would dispute?—A. I think not.

Q. The purpose was to advertise the Chronicle, and to cause such confusion that the Chronicle's name would be frequently mentioned?—A. That was not the purpose; no, sir.

Q. Who was running against Woerner for judge of the probate court?—A. No one.

Q. Or against Lewis for public administrator?—A. No one.

Q. Who was running against E. A. Noonan, for assistant circuit attorney?—A. McBride; I believe it was McBride.

Q. Who was running against Harris for circuit attorney?—A. Erskine.

Q. Who was running against John D. Johnson for judge of circuit court?—A. Horner.

200 Q. Who was elected?—A. Horner.

Q. Although you thought Johnson was the best man?—A. Yes.

Q. But about twenty-five thousand voters expressed a preference against you there?—A. That was an exception; that proved the rule of the rest of the ticket.

Q. Was John D. S. Dryden elected?—A. I believe not.

Q. He was one of your selections?—A. Yes, sir.

Q. At how many polls in the first or second districts were those tickets taken away and torn up?—A. I am unable to say.

Q. Can you give an idea?—A. No.

Q. You heard of many cases of that kind?—A. I heard of but three.

201 Q. Where the ticket was pronounced a fraud upon voters?—A. I heard of no case of that kind.

Q. Where were they torn up?—A. I can't say.

Q. How long have you been connected with the Chronicle?—A. Since it was started—since its origin.

Q. Are you the editor?—A. Yes, sir.

Q. The city editor, or the leading editor?—A. I am the leading editor.

Q. Was it you that got up this ticket?—A. Yes.

Q. Whom did you consult with?—A. I consulted with a number of people, no one of whom were running for office.

Q. Did you consult with their friends?—A. No; neither with their friends.

202 Q. How many of the names on this ticket did you know personally?—A. Of the candidates on the State ticket I consulted only in regard to the legislative tickets.

Q. You don't know Mr. Dallmeyer?—A. Yes.

Q. Thomson?—A. No.

Q. Harding?—A. No.

Q. Herenden?—A. No; I might know him.

Q. Why didn't you put them on your ticket, if you were making up a select ticket?—A. They were not among the selected.

Q. This is called the Chronicle Select Ticket, why did you not put them on?—A. There was a similar list, including the opposition tickets.

203 By Mr. POLLARD:

Q. Then, if I understand you, you got out a ticket, the first names of which were the Presidential electors for Mr. Hancock, and for the Democratic State ticket?—A. No.

Q. You didn't put the Democratic State ticket on any?—A. No, sir; the same head was for all tickets.

Q. The Chronicle Selected Ticket was on the head of all the tickets that you issued?—A. Yes, sir.

Q. Some of them contained the names of the Presidential electors which were found on the Republican ticket?—A. Yes, sir.

Q. And the Presidential electors found on the Democratic ticket?—A. Yes, sir.

204 Q. Some of them had the names for State officers found on the Republican ticket, and some for State officers found on the Democratic ticket?—A. Yes, sir.

Q. In the third district for member of Congress you put Mr. Sessinghaus's name on all your tickets?—A. Yes, sir.

Q. Now, Mr. Waterloo, did you hear like complaints from the third district about these tickets being removed from the polls, and being torn up?—A. I heard some from the first and second.

Q. Have you since learned why these tickets were removed from precincts in the third district on that day?—A. I have heard so; yes, sir.

205 Q. The testimony already in, as sworn to by several witnesses, has disclosed the fact that they were so removed and torn at divers places.

Mr. DONOVAN. Is that a question or not?

A. I have not heard this testimony.

Signature waived.

206 JACOB BENNER, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Jacob Benner.

Q. Where do you live?—A. 4106 Broadway.

Q. How long have you lived there?—A. I have lived there five years.

Q. Were you one of the judges of election, on last election day, at precinct eighty-six?—A. Yes, sir.

Q. Do you know, Mr. Benner, whether or not any tickets which 207 had on the name of Mr. Sessinghaus, which when you came to

count the ballots at night were thrown out and not counted?—A. Yes, sir.

Q. How many?—A. There was nine or ten.

Q. Why were they thrown out?—A. Well, they were not thrown out.

Q. Well, why were they not counted?—A. They were not counted on the grounds that they only had on the name of Mr. Sessinghaus, but not his first name.

Q. Not his given name?—A. No, sir.

Q. There were nine or ten of that kind of tickets?—A. Yes, sir.

Q. And they were not counted?—A. No; they were not counted.

Q. The men who voted those tickets, who gave them, were 208 qualified voters, were they not?—A. Yes, sir.

(Mr. Donovan, counsel for the contestee, objects to the question and answer, unless this witness states particularly in regard to the men who voted.)

By Mr. POLLARD:

Q. Their names were on the poll book there, were they not?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Give me one of their names.—A. Well, that is something I couldn't do.

Q. You are, then, utterly unable to give me the name of any of them?—A. I have been counting-judge, and not receiving at all.

Q. Now, why do you state that these voters were qualified 209 when you can't give the name of a single one I ask you for, and if you cannot give their names, of course you cannot state anything in regard to their qualifications?—A. Where there is two hundred and sixty votes I don't suppose that I can keep their names all in my head.

Q. But you say that these gentlemen were all qualified, and yet you cannot even give us the name of a single one.—A. No; I can't give you the name of one of them. We counted all the rest except these. Those tickets were general Democratic tickets. Every name on the ticket was all right until at last they come down to just Sessinghaus; we didn't give Sessinghaus credit for it, but the others got their credit all right.

By Mr. POLLARD:

210 Q. All the other names on the ticket, you mean?—A. Yes, sir; that was on the general Democratic ticket.

By Mr. DONOVAN:

Q. You are a Republican?—A. I am.

Q. You think that was right?—A. Yes, sir; I think that was right.

Q. And his name appeared on the ticket as R. Graham Sessinghaus?—A. No, sir.

Q. How many other Republican judges were there at that poll?—A. One besides me.

Q. Well, he agreed with you?—A. The way we had it arranged there there was one Republican and one Democratic judge, and they received the tickets; and there was another Democratic and Republican judge what counted them; we counted our ballots every hour.

211 Q. And when you came to make up your final count you all had a talk about this?—A. We had a talk about it there at the

time they came in. The question was whether, according to the law, they were legal to be counted or not. That is the way we thought about it.

Q. And you all agreed?—A. Yes, sir; we agreed as far as we understood the law; as far as we thought it was right.

Signature waived.

212 EDWARD CALDWELL, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Edward Caldwell.

Q. Where do you live?—A. 1121 North Twelfth.

Q. How long have you lived there?—A. I have been there nine months now.

Q. How long have you lived in Saint Louis?—A. About sixteen years.

Q. How old are you?—A. Twenty-four.

Q. You are a colored man, and have always lived in this 213 country have you not?—A. Yes, sir.

Q. Did you ever go to the city hall to register?—A. No, sir.

Q. Never did?—A. No, sir.

Q. Did you go to the polls on last election day?—A. Yes, sir.

Q. Where were those polls?—A. I went to the window; I didn't go to the polls.

Q. On what street were they located, between what streets, where you went to vote; that is what I want to know; what street was it where you went to vote; how far was it from where you live?—A. I can't tell you exactly.

Q. Which way from where you live; which way did you go when you went to the polls?—A. South.

Q. How far?—A. I don't know, sir.

214 Q. Was it eight or ten blocks, or only one block, or half a block?—A. It was not under five blocks.

Q. Well, did you go to the proper polls, according to the best information that you could get, in order to vote on that day; did you go to the right place to vote? That is what I want to know.—A. I don't know whether it was the right place; that is where they told me to go.

Q. Who told you that?—A. I never knew who these men was.

Q. Did anybody else go to vote at the same time from where you live?—A. Not that day.

Q. When you went to the polls what did you do?—A. I went there to register my name.

Q. Did you register your name?—A. No, sir.

215 Q. Why not?—A. They told me that they hadn't time.

Q. You told them where you lived?—A. Yes, sir.

Q. Did they make any objections as to its being the wrong place?—A. No, sir.

Q. Did you tell them how long you had lived in the city?—A. Yes, sir.

Q. Then they said that they had no time to attend to you?—A. Yes, sir.

Q. And you went away?—A. Yes, sir.

Q. You did not vote?—A. No, sir.

Q. Were those polls situated on Twelfth and Carr streets; is that your recollection of it?—A. No, sir.

Q. You don't remember where it was?—A. No, sir.

216 Q. Now, what ticket would you have voted there that day if you had been permitted to vote?—A. The straight Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Well, you went to some poll in the city of Saint Louis to vote, but don't know whether it was in the second or third Congressional district?—A. No, sir.

Q. Can you read?—A. No, sir; I can't read none at all.

Q. Did you have a ticket?—A. No, sir.

Q. You went to some poll, either in the second or third Congressional district, and offered to vote at it, and the judges told you that your name was not on the list at that particular polling precinct?—A. No, sir.

217 Q. Well, that is a fact; they told you your name was not on the list, wherever you went to?—A. Yes, sir.

Q. And after they told you that, you just went away?—A. Yes, sir.

Q. And that is the truth of the matter, and all the facts in the case?—A. Yes, sir.

Signature waived.

218 LOUIS FREUNING, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Louis Freuning.

Q. Where do you live?—A. Twelfth and Angelrodt street.

Q. How long have you lived there?—A. Since the first day of June, last year.

Q. How long have you lived in the city, Mr. Freuning?—A. It is about ten years now.

Q. How old are you?—A. I am twenty-six, going on twenty-seven.

Q. Did you ever register at the city hall, Mr. Freuning?—A. Yes, sir; I did.

219 Q. Where were you living then?—A. I was living then on Manchester road, near Market street.

Q. How long ago was that?—A. About four years ago.

Q. Did you ever get transferred to the place where you are living, down at the city hall?—A. Yes, sir.

Q. When did you do that, Mr. Freuning?—A. Well, about a month before election; something like that.

Q. Now, did you go to the polls on election day?—A. Yes, sir; I did.

Q. Where were those polls?—A. They was on Mallinekrodt street.

Q. Whereabouts?—A. On Twelfth street.

Q. On the corner?—A. No; second door from the corner on that day.

220 Q. The second door from Twelfth, or Mallinekrodt?—A. Yes, sir.

Q. Which side of Twelfth?—A. I got registered from State street when I was registered; then I was living down on State street.

Q. But you got transferred from State street to this place where you now live?—A. Yes, sir.

Q. This poll was on Mallinekrodt street, about two doors from Twelfth, you say?—A. Yes, sir.

Q. Which side of Twelfth; west side or east side?—A. No; on Mallinekrodt street, south side.

Q. Which side of Twelfth street?—A. West side.

Q. About two doors west of Twelfth street?—A. Yes, sir.

Q. When you went to the polls, Mr. Freuning, was your name there on the poll book?—A. No, sir.

221 Q. It had been stricken off?—A. Yes, sir; my name was not there.

Q. Did you offer to vote?—A. I did; yes, sir.

Q. Did they take your vote?—A. No, sir.

Q. What ticket did you offer to vote?—A. Republican ticket.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. How far is Angelrodt street from Mallinekrodt?—A. Sir! I think two blocks, aint it, two streets.

Q. How far is Angelrodt street from State street?—A. Well, that is more than I can tell you. State street runs—I was on 2000 State street—that is Allen avenue and State street.

222 Q. That is the first Congressional district of this State, way down in the southern portion of the city?—A. Yes, sir.

Q. Now, when did you go to the city hall?—A. About a month before the election.

Q. Who did you see there?—A. Oh, there was a great many people there; there was a clerk there; he took my name and said it was all right.

Q. You asked him if you were registered, and he took down the list and said it was all right?—A. Yes, sir; I wanted to get transferred, not registered; I went to get transferred; then he told me it was all right; he took my name.

Q. What is your business?—A. I keep a grocery on the northeast of Angelrodt and Twelfth street; grocery and saloon.

223 Q. Are you a married man?—A. Yes, sir.

Q. Where do you live, upstairs or downstairs?—A. Downstairs.

Q. Were you present when the reviser visited your place of business?

WITNESS. When the election was?

Mr. POLLARD. Now, tell him what the reviser was. The reviser is a man appointed by law to go around several days before the election and ascertain whether the men who have been registered, and who are on their lists, live where they purport to live.

A. Yes, sir; there was a man there; all the neighbors was on the list; I seen a great many names on the list.

By Mr. DONOVAN:

Q. Did you have any conversation with the gentleman?—A. 224 No; not what I know; I didn't have no conversation with him.

Q. Did he come to your place?—A. Yes, sir; he was in the store there.

Q. What did he say to you, and what did you say to him?—A. Well, he said he took the list to people who was living around there for advice; that is what he says.

Q. What did you say to him, and what did he say to you?—A. Well, I told him the names what I know what were living there, and he says, "That is all right." I didn't have much conversation with the man; I don't think he stopped five minutes in the place.

Q. Well, you were giving him information in regard to people

225 who lived there?—A. He asked me if I know whether these people lived there, and I told him I knowed some of them; I didn't know many of them; it was only two or three months that I lived there; just the neighbors what I knowed that I had seen around there.

Q. Well, this reviser was a friend of yours?—A. No, sir; I haven't seen the man before, what I know.

Q. He was a German?—A. Well, that may be.

Q. He was a Republican friend of yours?—A. That is more than I can tell; I didn't ask him.

Q. Well, you supposed him to be a Republican?—A. Yes, sir; I am sure of that.

Q. How do you account for your name not being on the list?—A. That is what I can't tell; I don't know.

226 Q. This man that came to see you was the reviser, and he was a Republican, and I presume that you are a Republican in politics; is that a fact or not?—A. I don't know if that man was a Republican, I know that I am a Republican.

Q. What did you tell him about yourself?—A. I didn't told him anything; I never looked at my name at all. I only seen that them names was there that I knowed, and I told him that they were living there at them places.

Q. How many Democrats did you cause to be stricken off the list?—A. Well, I don't know how many were stricken off.

Q. How many did you claim not to know where they resided?—A. How many there was what I know? Oh, most of them what I don't know.

Q. Where were you first registered from?—A. From State street.

Q. Did you tell the reviser, when he came to see you, that you had removed from State street to Twelfth and Angelrod't?—A. No; we never had that much conversation.

Q. Now, what did you do when you went to the poll?—A. I went there to vote; they didn't take my vote; couldn't find my name.

Q. You went to the poll; you gave your name; the judges looked down the list, stated to you that your name was not on that particular polling sheet, and you went away?—A. Yes, sir.

Q. That was all that was said and done there?—A. Yes, sir; 228 and I went up there that evening with a friend of mine what wanted to take me up there to vote, but then I couldn't vote.

Q. You again offered your ballot and the judges said to you, "You can't vote at this polling place, because your name is not on our list," so you again went away?—A. They didn't tell me that; they told me I couldn't vote at all.

Q. For the reason that your name didn't appear on their list?—A. That is what I don't know, what their reason was.

Q. Well, you simply offered your ballot, and they informed you that you could not vote there for some reason or other?—A. They said on account they couldn't find my name.

229 Q. That your name was not there?—A. Yes, sir.

Q. That is all you did?—A. Yes, sir.

Q. And that is all you attempted to do?—A. Yes, sir.

Q. And then you went away?—A. Yes, sir.

Signature waived.

230 TOBE THOMAS, produced, sworn, and examined on the part of the contestant, deposeth and saith :

Direct examination by Mr. POLLARD.

Question. What is your name ?—Answer. Tobe Thomas.

Q. Where do you live ?—A. I live on Twelfth street.

Q. Whereabouts on Twelfth ?—A. 1121.

Q. North Twelfth ?—A. Yes, sir.

Q. How long have you lived there ?—A. Going on two years.

Q. How long have you lived in the city ?—A. Thirteen years.

231 Q. How old are you ?—A. Twenty-seven; going on twenty-seven.

Q. You are a colored man, and you have always lived in this country ?

—A. Yes, sir.

Q. Did you ever register at the city hall, Mr. Thomas ?—A. No, sir.

Q. Did you go to the polls last election day to vote ?—A. Yes, sir.

Q. What poll; where was the poll that you went to—voting place ?

—A. On Twelfth and Carr.

Q. Well, did you register at the polls ?—A. No, sir.

Q. You did not ?—A. No, sir.

Q. Why not ?—A. I went there to be registered.

Q. What did you tell them when you went to the poll to reg-

232 ister ?—A. I wanted to register so I could vote.

Q. Did you tell them where you lived, and how long you had lived there ?—A. Yes, sir.

Q. What did they do then ?—A. They told me I was too late, I suppose.

Q. What time in the day was that ?—A. Well, it was near about ten or eleven o'clock.

Q. They didn't mean it was too late in the day, but something else ?

—A. Yes, sir.

Q. What else did they say to you ?—A. I don't know—that I had no vote in this city.

Q. And you did not register that day ?—A. No, sir.

Q. Did you offer to vote ?—A. Yes, sir.

233 Q. What ticket did you offer to vote ?—A. Republican.

Q. Straight Republican ?—A. Yes, sir.

Q. Did you know Edward Caldwell ?—A. Yes, sir.

Q. That was the man who testified here a few moments ago ?—A. Yes, sir.

Q. Was he living with you on the last election day ?—A. No, sir; we lived in the same number; he lived in the alley, and I lived near the front.

Q. Now, did he go with you to the corner of Twelfth and Carr on that same election day ?—A. Yes, sir.

Q. And he offered to register and to vote that day ?—A. No, sir.

(Mr. Donovan, counsel for the contestee, objects, for the reason 234 that the gentleman has been on the stand and has spoken for himself, and has told all that transpired there.

By Mr. POLLARD:

Q. And his vote was refused, and he was refused registration the same time you were there ?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Do I understand you to say that you were living at this place two years ?—A. Yes, sir.

Q. And that you came to the poll on election day to register?—A. Yes, sir.

Q. Can you explain to me why it is that the majority of the colored men that come upon the stand state that they live at their place 235 of residence two years that they offered to register?—A. I have lived there two years, and when I went to the polls they refused me.

Q. Now, can you explain to me how it is that the majority of the colored witnesses that get upon this stand say that they have lived at their place of residence two years, and that they offered to register?—A. That was my first time.

Mr. POLLARD. He wants you to explain to him why these other men testify to certain things.

By Mr. DONOVAN:

Q. There seems to be a uniform rule that each colored man lived in his place two years; that he always offered to register and to vote; now, I want you to explain how it happens that this uniformity appears in the testimony of those witnesses.—A. I went to register and to vote.

236 Q. You do not answer my question.

By Mr. POLLARD:

Q. You know nothing about what these other men testified to?—A. No, sir; I went there to get to register and to vote.

Q. He wants to know why other men came here and told what they did tell. You know nothing about that?—A. I know nothing about other men; that is all I know.

By Mr. DONOVAN:

Q. When were you subpoenaed?—A. To-day about two o'clock.

Q. Did you come here at two?—A. I don't know exactly what time it was; I started here as soon as I was subpoenaed.

Q. What is your business?—A. I am a laboring man.

Q. Are married or single?—A. Married.

237 Q. Do you live in front or rear of 1121 North Twelfth?—A. Near the front.

Q. You live in the rear?—A. Yes, sir.

Q. How many colored men were at the polls when you were there?—

A. Well, I don't know exactly; five or six, as near as I can come at it; I never paid any particular attention.

Q. They were registering?—A. Yes, sir.

Q. If the other colored men were registering, why didn't you register?—A. I was too late, I suppose.

Q. But if they were registering while you were there, why didn't you register as they did?—A. I didn't come in at the time.

Q. What was the reason for drawing a distinction between yourself and the other colored men, friends of yours?—A. Well, I don't 238 know what it was.

Q. Can you not give us some explanation of this strange state of facts?—A. I am only speaking of what I know; what I don't know I can't speak of.

Q. Why should one colored man be registered and not another?—A. Sometimes there aint any time.

Q. Well, then you went to the polls after they were closed?—A. I don't know whether they were closed or not when I went there.

Q. Well, were they closed or not?

By Mr. POLLARD:

Q. You certainly know whether the polling window was shut when you went there?—A. No, sir; they were not shut.

By Mr. DONOVAN:

Q. What hour of the day was it?—A. It was near ten or eleven o'clock in the forenoon.

239 Q. How long did you remain at the poll?—A. I guess about half an hour or such a matter.

Q. What were you doing during that half an hour?—A. Standing around looking on.

Q. Looking at the other colored men registering and voting the Republican ticket?—A. There was a good many ahead of me, and then I walked out.

Q. Now, the real fact in the case is that you didn't take the trouble to register at that poll; you were too busy?—A. That was the only place I went to down there.

Q. But you didn't take the trouble to be registered; is that so?—A. My business called me away.

Q. I thought that was the truth of the matter. And you just 240 didn't wait to perform your duty as a citizen at those polls?—A. No, sir.

Q. That is the truth of the matter?—A. I don't understand you.

Q. I will ask the notary to repeat the question.

(The last two questions read to the witness.)

By Mr. DONOVAN:

Q. That is the truth of the matter?—A. Yes, sir; I waited there as long as I could; my business would not permit me to wait any longer.

By Mr. POLLARD:

Q. You staid there long enough to register, if you had been permitted to register?—A. Yes, sir.

Q. If you had been afforded an opportunity to register?—A. Yes, sir.

By Mr. DONOVAN:

Q. You didn't take the time to spend there; you didn't take 241 the trouble to register?—A. I took time and went there soon.

Q. But waited a half hour, and you couldn't wait any longer?—A. I was there, I suppose, half an hour.

Q. And you didn't have the time to wait longer, although other colored men were being registered there?—A. There was a good many ahead of me; I waited a half hour, or longer, I suppose.

Q. But you couldn't afford any more time?—A. I could have waited a little longer, I expect.

Q. But you didn't?—A. No, sir; because there was a good many ahead of me.

Signature waived.

242 LOUIS RECKER, produced, sworn, and examined on part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Louis Recker.

Q. Where do you live?—A. 1226 Cass avenue.

Q. How long have you lived there?—A. Nine years.

Q. You were a judge at precinct one hundred and twenty-six, were you, on last election day?—A. Yes, sir.

Q. One of the judges of election?—A. Yes, sir.

243 Q. Do you know whether any tickets were handed in there, and received by the judges of election, for Mr. Sessinghaus for Congress in the third Congressional district which were afterwards rejected by the judges and not counted for Mr. Sessinghaus?—A. No.

Q. Do you know of any tickets which were handed in there which had the name of Mr. Sessinghaus for Congress from that district, which were counted for Mr. Frost—Democratic tickets?—A. Yes, sir; we had a couple of tickets.

Q. Two of them?—A. Two Democratic tickets with Sessinghaus's name on them instead of Frost's name.

Q. Some other name was scratched on the ticket; there had been a scratch on the ticket; was it on the name next to Frost, above 244 it or below?—A. The first or second name under it had been scratched out.

Q. And the name of Gustavus Sessinghaus was written on the ticket?—A. Yes, sir.

Q. Now, what was done with those two tickets?—A. Well, the Democratic judges said that the printed name had to be counted.

Q. So they were counted for Frost?—A. Yes, sir.

Q. This Sessinghaus name was written right next to Frost?—A. Yes, sir.

(Mr. Donovan, counsel for the contestee, objects to the question for the reason that the gentleman has stated already that the name appeared for some other office.)

By Mr. POLLARD:

Q. Were there any Hancock independent tickets voted there 245 that day, Mr. Recker?—A. I believe there was.

Q. How many?—A. I couldn't say. I think there was two.

Q. They had on them the name of Mr. Frost for Congress in that district, hadn't they?—A. Well, I couldn't say, now.

Q. They were counted for Mr. Frost?—A. Yes, sir; if his name was upon them.

(Mr. Donovan, counsel for the contestee, objects to the question for the reason that the gentleman states that he does not know whether Mr. Frost's name was on them or not; and, therefore, he cannot state that any of them were counted for Frost.)

By Mr. POLLARD:

Q. They were not scratched at all, these Hancock independent tickets?—A. I think not.

246 Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. You have no positive knowledge on the subject?

WITNESS. About the scratching there?

COUNSEL. The Hancock Independent ticket?

A. I don't know whether there was any scratches upon it or not.

Q. Now, these two tickets that were rejected had the name of David P. Dyer scratched out and Sessinghaus inserted?—A. No.

Q. Well, what was it, Hancock, Dyer, or somebody else, that was scratched?—A. It was the first or second name to Frost.

Q. Well, that was for judge of the circuit court.—A. They were counted for Frost; the printed names were counted.

Q. Whose name was scratched off; was
247 son, or Harris?—A. I can't exactly say
the first or the second.

Q. The party didn't scratch out the name of M
off the name of Thompson, or some other name
—A. Yes, sir.

Q. Who was running for a different office, either
of appeals or circuit attorney?—A. For some ot

By Mr. POLLARD:

Q. Have you the tally-sheets with you here?—
yesterday.

Signature waived.

248 JOHN FITCH, produced, sworn, and ex
the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Jol

Q. Where do you live?—A. I lives out on Tl
Thirteenth street, in the rear, 1418, betwixt Cas

Q. How long have you lived there?—A. I w
month it will be a year.

Q. How long have you lived in this c
249 this last gone fall it will be a year.

Q. What time in this city; how long
State?—A. In the city—I have been about eight

Q. How old are you?—A. Well, I am over fif
exactly know my age.

Q. You are a colored man?—A. Yes, sir.

Q. Raised in the United States, and have a
Oh, yes; yes, sir, of course.

Q. Did you register at the city hall?—A. Yes

Q. Just before the last election?—A. Yes, sir

Q. Where were you then living?—A. I was l
same place.

Q. That you live at now?—A. Yes, sir.

250 Q. Did you go to the polls on election
Q. Where were the polls?—A. They w

O'Fallon there, this side of Twelfth street.

Q. North side of O'Fallon, and the river side
No, sir; on the north side, betwixt Twelfth an
where the corner is.

Q. Did you vote at the poll when you went t
ing?—A. Yes, sir.

Q. They found your name there on the poll bo
found my name there.

Q. You voted?—A. Yes, sir; I voted that da

Q. What ticket did you vote?—A. Straight l

251 Q. What did they do with your ticket?—
ever they done with it; they took it in tl
tell what they done with it after that; I

Cross-examination by Mr. DONOVAN, cou

Q. Well, you voted all right just as any othe
counted and went into the ballot-box?—A. Wh
not, I don't know sir; whether it was counted

Q. But it went into the ballot-box?—A. Never saw it go in.

Q. You didn't wait there; they told you it was all right?—A. I staid there a few minutes and looked after I handed it in, and then I went away; I couldn't tell whether it went in or not; I know I voted.

252 Q. They didn't tell you there was any trouble about it?—A. They didn't tell me.

Q. You staid there some little time?—A. Yes, sir; some little time, about two or three minutes.

Q. You presented your vote?—A. Yes, sir.

Q. They looked down on the registering list, they found your name on the list, they took your ballot just as they were taking other ballots; is that a fact or not?—A. The whole time that I was there—

Q. Well, you went there and voted?—A. I went there and voted; I put my vote there, but where they put it—I don't know where they put it; I stood there a little while, and that is all I know about it.

Q. You just didn't wait.

WITNESS. Didn't wait?

253 Q. Do you, or do you not, understand my question, whether you waited or not at the polls to see whether your ballot went into the ballot-box or not?—A. I waited and looked; they took my ticket inside of the house.

Q. And you went away?—A. No, sir; I didn't go right straight off; I stood there and looked at the ballot-box.

Q. After you had looked awhile what did you say?—A. I didn't say nothing.

Q. What did you say?—A. I didn't say nothing; I just gave them my ticket, and stepped aside to let other men come to vote.

Q. You have no doubt but that your vote went into the ballot-box?—
254 A. I can't say; that is too hard for me; I couldn't say that; that is too hard for me.

Q. Have you got any doubt about it at all?—A. I couldn't say, sure.

Q. Have you got any doubt about it?

WITNESS. If you will just listen to me talk a little while I will tell you the truth as close as I can, mister.

(Mr. Donovan, counsel for the contestee, objects to the counsel for the contestant interrupting the witness, and insists that if the gentleman desires to make a statement he should be permitted to do so.)

Mr. POLLARD. We object because we have got other witnesses to examine, and the apparent object of this gentleman is to take up our time.

(Mr. Donovan, counsel for the contestee, objects to the counsel for the contestant objecting on the ground of consumption of time, 255 for the reason that the counsel for the contestant has given the contestee notice to take depositions between nine in the morning and eleven o'clock at night, when the fact is that for hours and hours each day we have been present and no witnesses ready to be examined, and have adjourned long prior to six o'clock.)

(To the witness.) Now, I will ask the witness to make the explanation that he desires to make.

(Mr. Pollard, counsel for the contestant, again objects, and directs the witness not to answer any questions except those put to him. I do that for this purpose, as stated before, that notwithstanding the gentleman's disclaimer, and notwithstanding his oft-repeated statement 256 that he does not desire to consume the time, his whole action

this day has been obviously to waste—by frivolous questions, by misstatements of testimony heretofore rendered, and by all manner of devices and tricks known to the trade—to consume, and waste, and cut up the remaining time which the contestant has in which to take his testimony.

Mr. Donovan, counsel for the contestee, states that if a record of the times of meeting and times of adjournment is kept it will show the utter absurdity of the gentleman's remarks. Now, if the counsel for the contestant has got through making all the objections that he desires, I will just simply ask the witness if he desires to make any explanation.)

257 A. No, sir ; I don't care about talking so much no how ; I just give you this ; that is my right idea about it ; I will give you my right view. I walked to that place and put my vote right in that house, and stood and looked at it a while. There was people there a receiving it, but whether it went into the box I couldn't tell you.

Q. You did not remain to see ?—A. I told you that I stood there. They seen that they had my name on the register, and then they took my ticket in. Then I stood there awhile, but whether it went in I couldn't tell.

Q. They took it like they took any other party's vote ?—A. I would suppose they did, I reckon.

Mr. DONOVAN. I have finished with this witness.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Monday, February 21, 1881, then to be continued at the same place, at the hour of half past nine o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County of Saint Louis, Mo.,

Term expires March 13, 1882.





